

MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

May 21, 2014

Mayor Philip Levine
Vice-Mayor Micky Steinberg
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales
City Attorney Raul Aguila
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

5:51:35 p.m.

Mayor Levine requested a moment of silence for Officer David King who passed away.

Meeting called to order at 8:36:00 a.m.

Inspirational Message led by Pastor Victor M. Palacios from Iglesia Bautista Poder de Dios.

Pledge of Allegiance given by Chief Virgil Fernandez.

9:06:07 a.m.

SEPARATED ITEMS:

Rafael E. Granado, City Clerk, announced items separated, withdrawn and/or added.

C4B by Commissioners Grieco

C7H by Commissioner Tobin

C4F by Commissioner Wolfson

ADDENDUM MATERIAL 1:

C4I R9L

ADDENDUM MATERIAL 2:

R9M R9N

ADDENDUM MATERIAL 3:

R9O

SUPPLEMENTAL MATERIAL 1:

R9H - Corrected Memorandum & Resolution

SUPPLEMENTAL MATERIAL 2:

R7Q - Memorandum & Resolution

R9H – Revised Resolution

SUPPLEMENTAL MATERIAL 3:

R5R – Revised Ordinance

R9H – Revised Resolution

The City Commission will recess for lunch at approximately 12:00 p.m.

Presentations and Awards

Presentations and Awards Meeting will take place May 28, 2014.

9:02:28 a.m.**New Item**

Swearing-in of Raul Aguila as City Attorney.

ACTION: Oath given by Rafael E. Granado, City Clerk.

Raul J. Aguila acknowledged and thanked his family and friends for being present - his mom, aunt, uncle, his cousin Lourdes, his sister Mayle, niece Lee Ann, friends, and all of his office staff here. He thanked them for sharing this moment with him and thanked the City for this tremendous honor.

Mayor Levine stated that everyone is honored that he is the City Attorney and it was long overdue.

City Clerk's Note: Refer to Item R9E from the April 9, 2014 Special City Commission Meeting, Resolution [2014-28540](#).

ADDENDUM

ACTION: Motion made by Commissioner Tobin; seconded by Commissioner Grieco to add items C4I, R9L, R9M, R9N, and R9O to the Commission Agenda; Voice-vote: 6-0; Absent: Commissioner Wolfson

CONSENT AGENDA

ACTION: Motion made by Commissioner Weithorn; seconded by Commissioner Tobin to approve the Consent Agenda, excluding the separated items; Voice-vote: 6-0; Absent: Commissioner Wolfson.

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue An Invitation To Negotiate (ITN) 2014-170-SW For A Parking Garage Gated Parking Revenue Control System For The City Of Miami Beach.
(Parking/Procurement)

ACTION: Request approved. **Saul Frances and Alex Denis to handle.**

- C2B Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2014-144-LR, For Sniper Rifles, Duty Pistols and Related Accessories.
(Police/Procurement)

ACTION: Request approved. **Chief Oates and Alex Denis to handle.**

- C2C Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2014-160 For Citywide Signage Maintenance And Repair.
(Public Works/Procurement)

ACTION: Request approved. **Eric Carpenter and Alex Denis to handle.**

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Rebuilding Of The Sunset Islands 1 And 2 Guard Houses.
(Requested by Commissioner Joy Malakoff)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **David Martinez to handle.**

9:06:24 am.

C4B Referral To The Land Use And Development Committee – Discussion Regarding The Overlay District For Washington Avenue And North Beach.

(Requested by Commissioner Joy Malakoff)

ACTION: Item referred. Item separated for discussion by Commissioner Grieco. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice vote: 5-1; Opposed: Commissioner Grieco; Absent: Commissioner Wolfson. **Thomas Mooney to place on the committee agenda and to handle.**

TO DO:

- Assign dedicated staff from the Planning Department to different parts of the City, including Alton Road.
- Include Alton Road Overlay District plans after Washington Avenue and North Beach projects are completed.

Commissioner Grieco explained that he received a telephone call from one of the small business owners who asked, for purposes of the referral, that Alton Road be included in the discussion of the Overlay District.

Commissioner Malakoff explained that they originally considered looking at an Overlay District for Washington Avenue, North Beach and Alton Road, but Alton Road is undergoing construction and storm drains improvements, as well as the Alton Road Buffer Overlay. She felt that they should start with Washington Avenue, as it desperately needs redevelopment. In the North Beach area, there have been multiple requests from residents to look at ways to encourage people to renovate and expand their buildings, and that is why they were specifically looking at Washington Avenue and North Beach. Once those areas are completed, then they can look at Alton Road.

Mayor Levine gave the analogy of these areas in comparison to critically ill patients; those with more injuries need extreme immediate attention and the care has to be prioritized; therefore, Washington Avenue and North Beach will be looked at first. By December, the construction in Alton Road will be completed, and then the City can look at doing the same thing for Alton Road. As a property owner, he agrees that this needs to be done, but the resources do not allow it to all be done at once. The Mayor added that he believes that Alton Road, after the construction, will be in good shape.

Commissioner Tobin stated that regardless whether the Commission wants to drag Administration to the fire to think about these planning issues, whether they have a Land Use meeting to discuss Washington or North Beach, should not discourage the City's Planning Department and the Administration from planning for the City. To use the Mayor's patient analogy, we still need to "eat healthy and exercise." The Administration should task the Planning Department with thinking about planning.

Mayor Levine stated that the Administration could potentially put out bids to find a planner for these areas in specific.

Jimmy L. Morales, City Manager, explained that if the Commission directs, they could focus on North Beach and Washington Avenue. He added that when he became City Manager he had a clear direction. He thought they wanted a Planning Department that instead of being reactive historically and just responding to applications, was in fact going to be proactive. His frustration is that this item, for example, when they try to be proactive and look at Overlay Districts, there are

those in the community who claim that the Administration is engaged in policy making and trying to push the envelope, but all they are doing is having conversation. They cannot be proactive without beginning conversations but at the end of the day it is the Commission's decision. They have been trying to be proactive and think outside the box. Anything they recommend has to come before this Commission for approval, but they are trying to be proactive.

Discussion held.

Commissioner Tobin suggested that dedicated staff from the Planning Department is assigned to different parts of the City, including Alton Road.

Mayor Levine explained that this will go to committee for further discussion to improve the Washington Avenue area, with fewer clubs, new businesses, micro housing and make the area a place where people want to visit; then North Beach is another vision, and there are many ideas that are part of the focus.

Commissioner Weithorn added that the solution for Washington Avenue and North Beach are different. Taking two areas that require two different plans is enough to start with; they will learn from their mistakes; and if they do it right, there will be more to come. Alton Road is definitely the next one.

Discussion continued.

Motion made by Commissioner Malakoff to refer the item to the Land Use and Development Committee to discuss the Overlay District For Washington Avenue And North Beach; with the understanding that Alton Road is up next.

- C4C Referral To The Finance And Citywide Projects Committee - Discussion Regarding Whether Or Not To Pursue Food And Beverage Concessions For Soundscape Park, Collins Park, And The Miami Beach Botanical Garden.
(Tourism, Culture & Economic Development)

ACTION: Item referred. Patricia Walker to place on the committee agenda. **Max Sklar to handle.**

- C4D Referral To The Neighborhood/Community Affairs Committee To Discuss Special Events Programming At The North Beach Bandshell As It Relates To Noise.
(Parks & Recreation)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **John Rebar to handle.**

- C4E Referral To The Finance And Citywide Projects Committee - Parking - Strategic Pricing.
(Parking)

ACTION: Item referred. Patricia Walker to place on the committee agenda. **Saul Frances to handle.**

9:51:28 a.m.

5:46:03 p.m.

C4F Referral To The Planning Board - Proposed Telecommunications Ordinance.
(Sponsored by the Land Use & Development Committee)
(Legislative Tracking: Planning)

ACTION: Item referred to the July 22, 2014 Planning Board meeting. Motion made by Commissioner Wolfson; seconded by Commissioner Grieco; Voice vote 7-0. **Thomas Mooney to place on the board agenda and to handle.**

9:51:28 a.m.

Commissioner Wolfson expressed concern regarding the timing of this item. Motion made by Commissioner Grieco to reconsider; seconded by Commissioner Wolfson; Voice vote 7-0.

5:46:03 p.m.

Commissioner Wolfson stated that this item cannot go to the Planning Board on June 24, 2014, because the City missed the April 30, 2014 application deadline. Commissioner Wolfson asked the item be referred to the Planning Board meeting on July 22, 2014, and have the City meet the May 28, 2014 application deadline. Voice vote 7-0.

C4G Referral To The Planning Board - Proposed Amendment To Permit Additional Height For Garages In The RM-2 District, And To Permit Certain Garages Without Commercial Or Residential Units.
(Sponsored by the Land Use & Development Committee)
(Legislative Tracking: Planning)

ACTION: Item referred. **Thomas Mooney to place on the board agenda and to handle.**

C4H Referral To The Neighborhood/Community Affairs Committee To Discuss The Possibility Of The Parks And Recreation Department Partnering With Miami-Dade County Schools To Operate An After School Program Out Of The City's Local School Sites.
(Parks & Recreation)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **John Rebar to handle.**

ADDENDUM MATERIAL 1:

C4I Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Adaptive And Inclusive Playground On Miami Beach.
(Requested by Commissioner Edward L. Tobin)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **John Rebar to handle.**

C6 - Commission Committee Reports

- C6A Report Of The Special Finance And Citywide Projects Committee Meeting Of April 16, 2014: **1)** Discussion Of Ordinance No. 2013-3826 Adopted And Referred To The Finance And Citywide Projects Committee To Discuss The 60 Employees That Are Capped Out. **2)** Discussion Of Replacement Line Of Credit.

ACTION:**Item No. 1: Discussion Of Ordinance No. 2013-3826 Adopted And Referred To The Finance And Citywide Projects Committee To Discuss The 60 Employees That Are Capped Out.**

The Committee recommended that the Unclassified Salary Ordinance be revised to allow for the recognition of such employees through a one-time, non-recurring, non-pensionable adjustment of up to two percent of their respective salaries based on whether they met, exceeded or significantly exceeded expectations, as indicated by the ratings on their individual performance evaluations.

Item No. 2: Discussion Of Replacement Line Of Credit.

The Committee recommended that the Administration bring the proposed replacement line of credit in the amount of \$60 million to the April 23, 2014 Commission meeting to authorize negotiations with Wells Fargo.

- C6B Report Of The Neighborhood/Community Affair Committee Meeting Of April 25, 2014: **1)** Discussion Of The City's Draft Tree Ordinance Prepared By The Public Works Department Green Space Management Division. **2)** Discussion Regarding A Motion Made By The Committee For Quality Education To Explore An Additional Exit Installed At The Northeast Corner Of The Public Parking Lot At 42nd Street And Royal Palm Avenue Beside North Beach Elementary School. **3)** Discussion Regarding Sightseeing And Tour Bus Industry Regulations. **4)** Addendum: Discussion Regarding Banning Bicycles On Lincoln Road And On Sidewalks Citywide Except For Parks.

ACTION:**Item No. 1: Discussion Of The City's Draft Tree Ordinance Prepared By The Public Works Department Green Space Management Division.**

MOTION by Commissioner Weithorn to move it to Commission.

Seconded by Vice-Mayor Steinberg.

Item No. 2: Discussion Regarding A Motion Made By The Committee For Quality Education To Explore An Additional Exit Installed At The Northeast Corner Of The Public Parking Lot At 42nd Street And Royal Palm Avenue Beside North Beach Elementary School.

MOTION: by Commissioner Weithorn to bring it back to Committee in 30 days with the design plan.

Seconded by Commissioner Tobin.

Item No. 3: Discussion Regarding Sightseeing And Tour Bus Industry Regulations.

MOTION: by Commissioner Weithorn to issue the RFP to state the Commission has the right to go to more than one vendor and add the language as was discussed that states the City has the right to regulate, the rights to the terms and conditions, and anything that would be needed to protect the city in the RFP.

Seconded by Commissioner Tobin.

Item No. 4: Addendum: Discussion Regarding Banning Bicycles On Lincoln Road And On Sidewalks Citywide Except For Parks.

MOTION by Commissioner Weithorn to permit bicycles on Lincoln Road only from 2:00 AM to 9: AM.

Seconded by acclamation.

- C6C Report Of The Special Finance And Citywide Projects Committee Meeting Of April 30, 2014: **1)** Discussion Of Miami Beach Convention Center Construction And Booking Schedule.

ACTION:

Item No. 1: Discussion Of Miami Beach Convention Center Construction And Booking Schedule. The Committee separated the item into two separate recommendations. The first recommendation is that the timeframe of the Convention Center project not to exceed 36 months. The second recommendation was for staff to go back and determine the events the City needs to make efforts to accommodate within the construction project schedule and which events may be accommodated only if the construction schedule permits. This will be an integral part to expedite construction, while still trying to drive business to the City of Miami Beach. This recommendation should take into account no usage of the P Lot, and all events try to limit themselves to a two hall minimum.

- C6D Report Of The Land Use And Development Committee Meeting Of May 7, 2014: **1)** Discussion For Consideration Of Establishing Acceptable Accessory Uses Permitting Restaurants In Contributing Historic Structures Within The RM-2 Cultural Arts Neighborhood Overlay District. **2)** Discussion On Telecommunications Ordinance. **3)** Discussion On An Ordinance To Permit Additional Height For Garages In The RM-2 District, And To Permit Certain Garages Without Commercial Or Residential Units. **4)** Additional Discussion Items.

ACTION:

Item No. 1: Discussion For Consideration Of Establishing Acceptable Accessory Uses Permitting Restaurants In Contributing Historic Structures Within The RM-2 Cultural Arts Neighborhood Overlay District.

MOTION: MG/JB (2-0)

Continue to the June 12, 2014 LUDC meeting

Item No. 2: Discussion On Telecommunications Ordinance.

MOTION: MG/DW (3-0).

Refer the Ordinance to the Planning Board and continue the item to the June 12, 2014 LUDC meeting for further discussion and a report on the feedback from the Planning and Public Works Departments,

Item No. 3: Discussion On An Ordinance To Permit Additional Height For Garages In The RM-2 District, And To Permit Certain Garages Without Commercial Or Residential Units.

MOTION: MG/JM (2-0)

Referred the item to the Planning Board as an Ordinance Amendment, with the recommendation that retail or other active uses be required as the street level.

Item No. 4: Additional Discussion Items.

Sea Level Rise and Building Heights. The LUDC discussed a proposal at the Mayors Blue Ribbon regarding the measuring of building heights and crating potential FAR exceptions for below grade areas activating a street or sidewalk. The LUDC voted to continue the discussion to the June 12, 2014 meeting.

Upcoming LUDC Items. The Committee requested a status report on the St. Patrick's School ROW Parking and Traffic Analysis item.

C6E Reports From The January 28, February 19, March 26 And April 16, 2014 Flooding Mitigation Committee Meetings.

ACTION: Below are the draft minutes of the Flooding Mitigation Committee meetings of January 28, 2014, February 19, 2014, March 26, 2014 and April 16, 2014.

Pursuant to Section 2-13 of the Miami Beach City Code, the City Commission is hereby requested to review and approve the drafts. The draft minutes are subject to correction, amendment and approval by the City Commission, with any corrections or amendments to be reflected in those minutes.

Approval of the minutes does not constitute the City Commission's substantive approval of actions taken by the Flooding Mitigation Committee, but shall serve only to allow the minutes to assume their essential status as the official record of the proceedings of the Flooding Mitigation Committee. However, those portions of minutes addressing a Flooding Mitigation Committee's request for City Administration action, shall only be effectuated when a corresponding item for such requested City Administration action is placed on a City Commission agenda, and approved pursuant to resolution or motion passed by a majority vote of the members present.

ACTION: The City of Miami Beach Flooding Mitigation Committee met on Tuesday, **January 28, 2014**, at 4:30 p.m. in the City Manager's Large Conference Room. The meeting was led by Commissioner Johan Wolfson, Commissioner Michael Grieco, Commissioner Joy Malakoff, and Commissioner Ed Tobin attended.

The Mayor's Blue Ribbon Panel on Flooding and Sea Rise adopted the position to set 2.7 ft.-NAVD as the design criteria for tailwater elevation in the City of Miami Beach. The Flooding Mitigation Committee moved, second, and passed (m/s/p) in a unanimous vote of the 3 members Commission Committee to adopt the same standard to recommend to the Miami Beach City Commission at the February 12, 2014 Commission Meeting.

Discussions continued around the need for increasing the number of pump stations throughout the City of Miami Beach to avoid flooding caused by sea level rise and water intrusion. Building code elevations need to be updated and seawalls will need to go deeper and higher at levels yet to be determined. Focus was given to the current Alton Road project and future planned projects with concerns that consideration be given to water, sewer, and drainage issues.

The meeting was adjourned at 6:00 p.m. The Flooding Mitigation Committee will meet next on Wednesday, February 19, 2014 at 5:00 p.m. in the City Manager's Large Conference Room. The meeting will be posted on the City's website www.miamibeachfl.gov, Quick Links, Commission Committee Referral Tracking (CCRT), Flooding Mitigation Home Page to obtain future and past agendas.

ACTION: The City of Miami Beach Flooding Mitigation Committee met on Wednesday, **February 19, 2014**, at 5:00 p.m. in the City Manager's Large Conference Room. The meeting was led by Commissioner Jonah Wolfson. Commissioner Michael Grieco was in attendance. It was m/s/p to accept the minutes of the meeting held on January 28, 2014 with two corrections. The spelling of Commissioner Jonah Wolfson has been corrected and it is to be stated that the committee's focus on flooding will have both short and long term solutions.

Commissioner Grieco requested that the Committee hear a report from David Doebler. Mr. Doebler presented information on clogged storm drains that exist throughout the City of Miami Beach. He suggested adding more trash cans, better drains, increasing cleaning schedules and flexible style catch bins.

The Mayor's Blue Ribbon Panel on Flooding and Sea Rise adopted the position to set 2.7 ft.-NAVD as the design criteria for tailwater elevation in the City of Miami Beach. The Flooding Mitigation Committee moved, second, and passed (m/s/p) in a unanimous vote of the 3 members Commission Committee to adopt the same standard to recommend to the Miami Beach City Commission at the February 12, 2014 Commission Meeting.

Discussions continued around the need for increasing the number of pump stations throughout the City of Miami Beach to avoid flooding caused by sea level rise and water intrusion. Building code elevations need to be updated and seawalls will need to go deeper and higher at levels yet to be determined. Focus was given to the current Alton Road project and future planned projects with concerns that consideration be given to water, sewer, and drainage issues.

The meeting was adjourned at 6:00 p.m. The Flooding Mitigation Committee will meet next on Wednesday, February 19, 2014 at 5:00 p.m. in the City Manager's Large Conference Room. The meeting will be posted on the City's website www.miamibeachfl.gov, Quick Links, Commission Committee Referral Tracking (CCRT), Flooding Mitigation Home Page to obtain future and past agendas.

ACTION: The City of Miami Beach Flooding Mitigation Committee met on Wednesday, **March 26, 2014**, at 5:00 p.m. in the City Manager's Large Conference Room. The meeting was led by Commissioner Jonah Wolfson. Commissioners Michael Grieco and Joy Malakoff were in attendance. It was m/s/p to accept the minutes of the meeting held on February 19, 2014 as submitted.

Mayor's Blue Ribbon panel on Flooding and Sea Rise

Scott Robins, Chair of the Mayor's Blue Ribbon Panel on Flooding and Sea Rise and Dr. Dwight Kraai Panel member were in attendance. Scott reviewed a Resolution from the Panel and asked for endorsement from the Flooding Mitigation Committee. After discussion it was m/s/p to adopt the resolution with one correction to reflect the budget cost to be changed from 200 million dollars to 200 to 300 million dollars. (Updated Resolution attached)

Financial Impact of Flooding

Trish Walker, Finance Director reviewed the process for issuing bonds in 50 million or 100 million dollar increments and the average increase in storm water fees that would be felt per household. She explained drawing down on lines of credit and increasing storm water fees for funding solutions to flooding and sea rise. Storm water fees can be raised by the Commission at any Commission Meeting. Trish needs Public Works and CIP to provide the cost of the program and then the request can be moved forward to the Commission.

Building Department Recommendation Base Flood Elevation

Mariano Fernandez, Building Director, reviewed an LTC dated March 18, 2014 from the Building Department to the Mayor's Blue Ribbon Panel recommending raising the FEMA freeboard requirement two feet above base flood elevation for new and substantial renovations to commercial construction projects and one foot for residential projects. It was also suggested that the City's process for issuing variances be more closely scrutinized. Bruce Mowry, City Engineer stated that he would be recommending to Commission that they adopt three feet above base elevation.

Staffing Requirements for Flood Mitigation Program

Bruce Mowry reviewed a proposed staffing chart with emphasis on filling vacant positions and bringing in key essential staff. Each position was explained in detail as to responsibilities in the coordinated effort to create a team. It was m/s/p to give direction to the Manager's Office asking for immediate funding to hire a Civil Engineer II for Storm Water, Hydrogeologist and a GIS Utilities position. The Commissioners on the committee were concerned that the City's hiring process is so long and that there is difficulty in hiring staff above the minimum salary per job classification. Salaries need to be competitive with the industry to keep up quality work.

Bruce Mowry distributed the Broward County Land Use Plan. The Committee felt that Miami Beach should have something similar and that the Sustainability Committee was the best place for this to be presented.

Greg Tolpin from Adventure Environmental, Inc. Public Works Contractor explained the current process for cleaning outfalls and what will be done to increase cleanings. He was asked to return to the meeting next month. Eric Carpenter said that a pilot program will be set up to clean catch basins.

The meeting was adjourned at 7:00 p.m. The Flooding Mitigation Committee will meet next on Wednesday, April 16, 2014 at 5:00 p.m. in the City Manager's Large Conference Room. The meeting will be posted on the City's website www.miamibeachfl.gov, Quick Links, Commission Committee Referral Tracking (CCRT), Flooding Mitigation Home Page to obtain future and past agendas.

ACTION: The City of Miami Beach Flooding Mitigation Committee met on Wednesday, **April 16, 2014**, at 5:00 p.m. in the City Manager's Large Conference Room. The meeting was led by Commissioner Jonah Wolfson. Commissioners Michael Grieco and Joy Malakoff were in attendance. It was m/s/p to accept the minutes of the meeting held on March 26, 2014 as submitted.

MAYOR'S BLUE RIBBON PANEL ON FLOODING AND SEA RISE

Scott Robins, Chair of the Mayor's Blue Ribbon Panel on Flooding and Sea Rise was in attendance. He turned the report over to Bruce Mowry, City Engineer to review ongoing projects including pump stations being planned for Sunset Harbour and Alton Road.

CDM SMITH PRESENTATION

Ignacio Lizama, CDM Smith, presented "Suggestions to Miami Beach for Using Storm Water Master Plan Tools for Upgrading Flood Mitigation". Commissioner Wolfson asked that CDM Smith explain how the City can get value out of the information that they collected and presented in the Storm Water Master Plan. Bruce Mowry stated that the physical basic information in the report is accurate and is being used by City Engineers. There was discussion that the base NAVD

elevation assumptions were below what had been suggested by other experts in the community. The report can be used to ramp up moving forward. CDM agreed to provide training to City engineering staff as they had committed to do in the past, at no additional cost.

DISCUSSION ON BASE FLOOD ELEVATION + 3

Scott Robins said that Thomas Mooney, Acting Planning Director, will be coming to the Mayor's Blue Ribbon Panel on Flooding and Sea Rise on April 29, 2014 with a Planning Department recommendation. The recommendation by the Building Department was base elevation plus one foot for residential projects and plus two for commercial projects. The City Engineers have recommended base elevation plus three feet. Ultimately, the decision will be made by the Mayor and Commissioners at a Miami Beach City Commission Meeting. It is on the April 23, 2014 agenda for discussion. David Martinez, CIP Director shared that the Collins Park Garage is waiting on a decision in order to move forward with the project. The Committee asked to see a drawing prepared by the architects to get a better sense of what the project would look like if the base elevation would be increased by three feet.

ARMY CORPS OF ENGINEERS PLAN TO REPLACE 3000 FEET OF SEAWALL BEHIND MOUNT SINAI HOSPITAL

Bruce Mowry will be attending the Mt. Sinai meetings and will report back to the committee.

UNITED STATES SENATE COMMERCE COMMITTEE FIELD HEARING ON SEA RISE AND CLIMATE CHANGE IN MIAMI BEACH – APRIL 22, 2014

Senator Bill Nelson will lead the meeting. Mayor Philip Levine will be a speaker.

The meeting was adjourned at 6:55 p.m. The Flooding Mitigation Committee will meet next on Wednesday, May 14, 2014 at 5:00 p.m. in the City Manager's Large Conference Room. The meeting will be posted on the City's website www.miamibeachfl.gov, Quick Links, Commission Committee Referral Tracking (CCRT), Flooding Mitigation Home Page to obtain future and past agendas.

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Take The Following Action: 1) Approve Retroactively The Submittal Of A Grant Application To Miami-Dade County Metropolitan Planning Organization (MPO), Transportation Alternatives Program, For Funding In The Amount Of \$1 Million For The Atlantic Greenway Network/Boardwalk Conversion Project; 2) Approve The Renewal Of A Contract With The Children's Trust For Funding In The Approximate Amount Of \$99,249 For The City's Youth Development Program; 3) Approve The Renewal Of A Contract With The Children's Trust For Funding In The Approximate Amount Of \$150,000 For The Early Childhood Development Program; 4) Approve Additional Matching Funds From The City, In The Amount Of \$2,556,590, For The Recent Grant Submittal To The U.S. Department Of Transportation For The Transportation Investment Generating Economic Recovery (TIGER) Program For An Intelligent Transportation System (ITS); Appropriating The Above Grants, Funding Requests, Matching Funds, And City Expenses, If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To The Aforestated Applications, Including, Without Limitation, Audits, And Authorizing The City Manager Or His Designee To Take All Necessary Actions Related To These Grants And Funding Requests.

(Budget & Performance Improvement)

ACTION: Resolution 2014-28586 adopted. John Woodruff to handle.

- C7B A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals (RFP) No. 2014-091-SW, For Investment Advisory Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, First Southwest; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposers (TIE), Davidson Fixed Income Management And Public Trust Advisors, LLC; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Finance/Procurement)

ACTION: Resolution 2014-28587 adopted. Patricia Walker and Alex Denis to handle.

Handouts or Reference Materials:

1. Letter transmitted via email from Jimmy L. Morales, City Manager, dated May 9, 2014, to Thomas Tight, Managing Director, Public Trust Advisors, LLC, tom.tight@publictrustadvisors.com, RE: City's Response to Protest Filed by Public Trust Advisors, LLC Pursuant to Award Recommendation on RFP 2014-091-MF (the RFP).

- C7C A Resolution Accepting The Recommendation Of The City Manager Pursuant To Request For Qualifications (RFQ) No. 2013-087-SR Relative To City-Wide Demolition Services; Authorizing The Administration To Enter Into Negotiations With The Following Firms: ABC Construction; BG Group; Chin Diesel; Cross Environmental; Dancon Group; G7 Holdings; Miami Wrecking; State Contracting & Engineering; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration.
(Building/Procurement)

ACTION: Resolution 2014-28588 adopted. Mariano Fernandez and Alex Denis to handle.

- C7D A Resolution Waiving, By 5/7th Vote, The Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Approving And Authorizing The Procurement Of Certificate Of Insurance Tracking System, Utilizing Existing Palm Beach County Contract No. 13-100-MW, Effective Through February 18, 2015, Subject To Any Extensions And/OR Replacement Contracts Issued By Palm Beach County.
(Human Resources/Procurement)

ACTION: Resolution 2014-28589 adopted. Sylvia Crespo-Tabak and Alex Denis to handle.

- C7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Change Order No. 1 To The Agreement Between The City And Lanzo Construction Co., Dated June 19, 2013 (The Agreement), For Additional Engineering Services, Drainage Structure Modification, Drainage Pipe, Fencing Around Pump Stations, Electrical Components, And Preparation Of Site For Stockpiling Of Material For The Sunset Harbour Pump Stations Retrofit And Drainage Improvements Project; Said Change Order, In The Amount Of \$315,123 Plus A Total Project Contingency In The Amount Of \$231,358, For A Total Construction Cost Of \$546,481.
(Public Works)

ACTION: Resolution 2014-28590 adopted. Eric Carpenter to handle.

- C7F A Resolution Approving And Authorizing The Acceptance Of Donations Of Hotel Rooms Made To The City For Memorial Day Weekend.
(Tourism, Culture & Economic Development)

ACTION: Resolution 2014-28591 adopted. Max Sklar to handle.

- C7G A Resolution Amending Resolution No. 2014-28560 Establishing Amended Criteria For Special Event Fee Waiver For The North Beach Special Event Incentive Program Designed To Attract And Encourage Events In The North Beach Area Of The City.
(Tourism, Culture & Economic Development)

ACTION: Resolution 2014-28592 adopted. Max Sklar to handle.

9:16:17 a.m.

C7H A Resolution Approving In Substantial Form An Interlocal Agreement Between Miami-Dade County And The City Of Miami Beach For The Provision Of Municipal Circulator (Trolley) Services In North Beach, Authorizing The City Administration To Finalize The Agreement And, When Finalized, Authorizing The Mayor And City Clerk To Execute The Final Agreement; Provided, However, That Should Any Material Terms Change, Requiring That The Agreement Come Back To The City Commission Prior To Final Approval And Execution.
(Transportation)

RECOMMENDATIONS:

1. Fully determine whether a trolley is the best option to ease traffic, and improve accessibility to commercial areas, parks, and beaches;
2. If trolley is implemented, communities must have access to them, this is particularly important for the elderly; and
3. Keep standards up by using surveys of whether the trolleys are running adequately, and whether communities are being serviced.

ACTION: Item separated for discussion by Commissioner Tobin. **Resolution 2014-28593 adopted.** Motion made by Commissioner Weithorn: seconded by Vice-Mayor Steinberg; Voice vote: 7-0. **Jose Gonzalez to handle.**

Commissioner Tobin stated that before implementing a trolley system in North Beach, we should decide exactly what we want to accomplish. He agrees that the idea of a trolley is nice, but he first wants to make sure the City knows exactly what it wants to accomplish, and establish criteria to measure our performance. Traffic is gridlocked in North Beach, and it is partly because other communities drive through it. Commissioner Tobin wants the Transportation Director to do a study if in fact a trolley is what is needed before money is put into the project, and asked that we make sure surveys are truly representative.

Commissioner Weithorn stated that the Transportation Department had a meeting to determine the trolley route. The trolley is a well thought-out program, and it is what the community is asking for. The purpose of the trolley, by means of a one-way loop, is to allow people in the residential area access to the spread out commercial area, children access to parks and recreational systems, and beachgoers easier access to the beach.

Discussion held.

Commissioner Malakoff stated that she attended several of the North Beach meetings and there was a strong request from the residents who felt isolated in that community, and particularly the elderly residents of Belle Isle, who would like the trolley to have more access to visit their doctors, supermarkets, shops, etc.

Jose Gonzalez, Transportation Director, explained the item. He wanted the record to show that the contract included minimum performance standards that have severe penalties if those standards are not met. He is aware of the concern regarding how many people will opt for the trolley instead of their car, and what kind of impact it is having on local traffic. The service will be monitored by surveys to make sure the trolley is running properly. **Jose Gonzalez to handle.**

- C7I A Resolution Waiving The \$650 Building Rental Fee At The Colony Theater, June 25, 2014, For The Miami-Dade Premier Of The Documentary "Just Gender," Hosted By SAVE Dade.
(Sponsored by Vice-Mayor Micky Steinberg)
(Legislative Tracking: Tourism, Culture & Economic Development)

ACTION: Resolution 2014-28594 adopted. Max Sklar to handle.

End of Consent Agenda

REGULAR AGENDA**R2 - Competitive Bid Reports****2:43:26 p.m.**

R2A Request For Approval To Issue A Request For Qualifications (RFQ) No. 2014-223-AD For Comprehensive Program Review Of Nautilus Middle School.
(Organization Development Performance Initiatives/Procurement)

ACTION: Item deferred. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco to defer the item to the June 11, 2014 Commission Meeting at 9:00 a.m.; Voice vote: 6-0; Absent: Commissioner Wolfson. Lilia Cardillo to place on the City Commission Agenda. **Leslie Rosenfeld and Alex Denis to handle.**

Jimmy L. Morales, City Manager, explained that at the Commission's Strategic Retreat, one of the strategic goals of the City is to work to achieve the best educational alternatives for the children of this community. At that Retreat, there was discussion about exploring necessary alternatives. Direction was given to come back with an RFP for a consultant focused on issues addressing Nautilus Middle School and in specific to at issues involving alternatives such as a Charter School. A School Tour of Nautilus Middle School was held with the City Commission and members of the School Board early last month. Some of the School Board representatives are in the audience and are requesting the item be deferred to give them an opportunity to respond.

Clerk's Note: See after-action of the April 1, 2014 Nautilus Middle School Tour, available at: <http://web.miamibeachfl.gov/WorkArea/DownloadAsset.aspx?id=79117>

Commissioner Malakoff stated that the focus groups took place on May 9, 2014, and on April 1, 2014, they visited the school with Superintendent Alberto M. Carvalho. She believes the item before them premature. The Miami-Dade County School Superintendent has committed to work with the City on improvements to Nautilus, and to hire consultant at this time is premature. She feels that the School System needs the opportunity to respond and act. Mr. Carvalho is doing a great job with the School System, and he should have an opportunity to address all of the concerns and show what they can do at Nautilus. The City's Quality of Education Committee also needs to see this report, as well as the focus reports, and weigh in. As far as looking at alternatives, including Charter Schools, she stated, for the record, that she believes public schools are the very backbone of the United States of America. Public schools are the way for people who come from other countries and people who come from disadvantaged homes to have an opportunity to reach goals in life, to be successful through their education at public schools. The money going to Charter Schools at this time is hurting public schools, not helping in most cases.

Commissioner Weithorn agrees with Commissioner Malakoff. She added that her own children attended public school. She rather use the money earmarked for the consultant and apply it to some type of time management program that will benefit the kids in school until they hear from the School System.

Discussion held.

Dr. Leslie Rosenfeld, Chief Learning and Development Officer, stated that this item is being presented because at the January Commission Retreat there were two Key Intended Outcomes

(KIO), focused on improving Nautilus. The item was referred to Neighborhood/Community Affairs Committee for discussion regarding focus groups and to reach out and identify a consultant to assist in improving Nautilus. As a result, they worked with the Procurement Department to develop an RFQ to reach out nationally and identify an expert in the field to assist them with a comprehensive program.

Commissioner Tobin stated that this is not intended to be against Miami-Dade County Schools; they have had the responsibility for Nautilus Middle School for 50 years, but the City did a survey, which reported that the residents opined that the School System could be doing more at Nautilus. He is requesting to hire an expert to find answers for improving the School, and he hopes the School Board works together with the City to make Nautilus School the best it can be. Commissioner Tobin emphasized that Charter Schools are public schools, they are just managed differently and he thinks that there is a misconception about that. He is not suggesting that the City not work with the public schools, unless as a last resort they cannot make Nautilus the best. He suggested hiring a great, smart person to help them work with the School Board to make Nautilus the very best; the students should not have to wait.

Discussion held.

Ms. Iraida R. Mendez-Cartaya, Assistant Superintendent, Intergovernmental Affairs, Grants Administration, and Community Engagement for Miami-Dade County Public Schools, introduced Ms. Vivian Santiesteban, the North Region Superintendent, Ms. Sally Alion, Administrator Director for the North Region Center, Luby Navarro, Executive Director, Mr. Rene Bellmas, Principal, Nautilus Middle, and Mr. Bloomstein, representing School Board Member Martin Karp.

Ms. Mendez-Cartaya stated that the School Board has concerns regarding this item, specifically the timing of it. Timing is premature and they respectfully request that the item be deferred, until the District has the opportunity to provide a formal response to the focus group report and proffer an action plan to the City on how the District intends to address the issues identified in the report. On February 12, 2014, the Commission approved the establishing of this focus groups related to Nautilus Middle School. On April 1, 2014, the City participated in a tour of Nautilus Middle and afforded the community an opportunity to have a candid conversation related to Nautilus Middle School. At the Nautilus Middle School tour, the Superintendent committed to addressing issues identified to make sure that Nautilus Middle School has a quality education program. The District received the focus group report from City staff via e-mail on May 9. They have not had the opportunity to respond to that focus group report and develop an action plan to address the issues of concern, whether real or perceived in the report. The Superintendent has not had the opportunity to develop and implement an action plan. Additionally, the City's Advisory Committee on education, the Quality Education Committee, has not had the opportunity to review and provide comment and feedback to the report either. In fact, the report is scheduled to be discussed at the next QEC's meeting on Tuesday May 27. The District is committed to ensuring all students receive a quality education. They have had a strong partnership with the City since the development of the Education Compact in 2008. The signature initiative of the partnership is a Citywide IB program. The District is committed significant resources beyond the school allocation plan to implement this program. They want to continue their strong partnership with the City and its stakeholders, which has traditionally supported public education. She respectfully requested the item to be deferred.

Commissioner Grieco asked how long they are requesting the deferral to be.

Ms. Mendez-Cartaya responded that they would like the item deferred for a minimum of a month.

Commissioner Grieco stated that one month is reasonable, but no longer than one month.

Discussion continued.

Jill Schwartz, PTA representative for Miami Beach Senior High School, and Committee for Quality Education Committee Chair, spoke.

Mayor Levine suggested granting Mr. Carvalho thirty days.

Discussion held.

Motion made by Commissioner Weithorn to defer this item to the June 11, 2014 City Commission meeting at 9:00 a.m.; seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Commissioner Wolfson. **Lilia Cardillo to place on the Commission Agenda.**

R5 - Ordinances

10:02:59 a.m.

R5A An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article I, Entitled "In General," By Creating Section 2-1, To Be Entitled "Reasonable Opportunity To Be Heard," To Provide Rules Regarding Public Participation In City Meetings; Providing For Repealer, Severability; Codification; And An Effective Date.

10:00 a.m. Second Reading Public Hearing

(Sponsored by Neighborhood/Community Affairs Committee)

(Legislative Tracking: Office of the City Attorney)

(First Reading on April 23, 2014)

Amendments:

1. Commissioner Malakoff's amendment:

(d) An individual speaker's time to provide public comment shall be limited to ~~five~~ (3) minutes; however, by the Chair, Mayor or a majority vote of the board's membership the ~~board~~ may provide additional time for further public comment on any proposition.

2. Commissioner Tobin's amendment:

(e) When a large number of individuals wish to be heard on a proposition, the Mayor or board Chairperson may request that a representative of the group or ~~faction~~ speak on behalf of said group or faction, rather than all members of such group or faction so long as reasonable time is provided for rebuttal to all sides. In such event, the representative shall be limited to five (5) minutes to speak; however, by a majority vote of the board's membership, the ~~board~~ may provide additional time to speak.

3. Commissioner Weithorn suggested giving speakers reasonable and equal time, based on the circumstances.

4. Mayor Levine suggested having equal number of people per side when there are groups and allow equal amount of time to speak.

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Item Opened and continued to June 11, 2014.** Motion made by Vice-Mayor Steinberg to open and continue the item; seconded by Commissioner Tobin; Ballot vote: 7-0. Rafael Granado to notice. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney to handle.**

Debora Turner, First Assistant City Attorney, explained that the ordinance amends the Miami Beach City Code in regards to public participation in City Hearings, providing for the Sutnick Hour, which allows people to speak to the Commission for three minutes. It provides for time frame when there are large groups of people, to provide up five minutes for a group representative to speak; it also provides public participation opportunity when it is deemed to take place.

Mark Needle, resident of Miami Beach, stated that he considers this issue to be very important to him. This ordinance conforms to State law, and it should not diminish the Charter's right to be heard at first glance, but it is missing some language required by the Charter, and it needs it. Mr. Needle then explained the history of the Miami Beach Bill of Rights, and the fact that citizens in the State of Florida did not always have the right to be heard. Mr. Needle prefers the City's provisions in the Bill of Rights. Mr. Needle explained that the State Statute was enacted because Citizens in other municipalities in the State of Florida did not have the right to be heard. This new Statute allows citizens to reasonably be heard, but the City of Miami Beach already provides a higher standard. However, his criticism of the ordinance is that it is not clear on terms as what a large group is defined as, or what constitutes disorderly conduct. It should use the current City Charter language for reference.

Christine Florez, representing Miami Beach United stated that the ordinance does not provide procedure on how to clarify what a "faction" is and who is to represent them. How will the Commission decide who is going to be represented, who will not be, and in what order? Does this ordinance have to pass to adhere to State law?

Raul Aguila, City Attorney, responded that under the new State law, cities are required to adopt policies and procedures by which citizens can be heard.

Peter Luria, resident of Sunset Island III, spoke in regards to the dangers of limiting the rights of people to be heard. He believes people should be allowed to speak for longer amounts of time.

Clotilde Luce, resident of Miami Beach, spoke in support of allowing people to speak for longer times during the Sutnick Hour.

Josh Squires would like an open door policy by all Commissioners, and perhaps have a weekly meeting with the residents of the City.

Discussion held.

Neisen Kasdin, resident of Miami Beach, and former Miami Beach Mayor stated that he believes the best way to provide the public with the right to be heard is not to allow as many speakers as possible, but to be constructive, and allow all sides an opportunity to speak sufficiently on an issue.

Discussion continued.

Commissioner Malakoff referred to sections (d) and (e), of the ordinance, and explained that three minutes should be the minimum, and there should exist the flexibility to allow more time if the Mayor approves. Sections (d) and (e) reflect this language to read "by a majority vote of the board's membership."

Mayor Levine asked if language could be amended to grant more time for speakers at the discretion of the Mayor or the Vice-Mayor.

Discussion continued regarding a minimum and reasonable amount of time for letting the public speak.

Mayor Levine asked if the language in the item could be changed to "reasonable equal time, based on the circumstances."

Raul Aguila, City Attorney, stated that this ordinance exempts Quasijudicial proceedings, which is usually when a developer speaks before a Land Use Board for development (LUB) approval. At these proceedings, any one has the right to give testimony not limited by these time requirements. Many times when developers make presentations before LUB, it is governed under different requirements. He added that the problem was not at major commission committee levels, but at City's board and committee level, where people were not given the opportunity to speak. This was the genesis for the State Law. They have tracked the State Statute, and the three and five-minute time period established is something that the Commission can review and determine if reasonable.

Discussion continued.

Commissioner Tobin asked for a provision to be included to take into account rebuttals, to prevent one side of an argument getting more time and being able to present the ideas better.

Discussion continued regarding Charter language and time to speak limits.

Commissioner Weithorn suggested having equal number of people when there are groups and equal amount of time to speak.

Commissioner Tobin asked to interlineate the language to read: (e) When a large number of individuals wish to be heard on a proposition, the Mayor or board Chairperson, may request that a representative of the group or ~~fact~~ speak on behalf of said group or faction, rather than all members of such group or faction [so long as reasonable time is provided for rebuttal to all sides.](#)

Vice-Mayor Steinberg is not voting in favor because she believes that at committee meetings they need to hear the public and she is against limiting groups of people to five minutes.

Commissioner Grieco is concerned that by adopting too much of the language of the Statute, they are hamstringing something they are already doing.

Motion made by Vice-Mayor Steinberg to open and continue the item to the June 11 meeting; seconded by Commissioner Tobin; Voice vote: 7-0.

Handouts or Reference Materials:

1. Email from Frank Del Vecchio dated May 20, 2014, RE: R5A Ordinance re "Reasonable Opportunity to be Heard," with R5A Sec. 2-1 Reasonable Opportunity to be Heard.docx attachment.

10:31:36 a.m.

R5B An Ordinance Amending Miami Beach City Code Chapter 2 Entitled "Administration," Article VII "Standards Of Conduct," Section 2-458 Thereof Entitled "Supplemental Abstention And Disclosure Requirements" By Providing That A City Of Miami Beach Elected Or Appointed Public Officer With A Conflict Of Interest On A Particular Matter Shall Absent Himself From The Agency Meeting On Which He Serves During Said Agency's Discussion Of That Matter; Providing For Repealer, Severability, Codification, And An Effective Date. **10:05 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Office of the City Attorney)
(First Reading on April 23, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3858 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 7-0. **Office of the City Attorney to handle.**

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 886, published May 8, 2014.

10:32:54 a.m.**2:40:39 p.m.**

R5C An Ordinance Amending Chapter 10 Of The Miami Beach City Code, Entitled "Animals," By Creating Section 10-17, To Be Entitled "Certain Techniques And Devices Prohibited; Enforcement; Penalties"; And By Amending Sections 10-2 And 10-3 To Cross-Reference The New Provisions In Section 10-17; Providing For Repealer; Severability; Codification; And An Effective Date. **10:10 a.m. Second Reading Public Hearing**

(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)
(First Reading on April 23, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3859 adopted.** Motion made by Commissioner Wolfson to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-0; Absent: Commissioner Weithorn. **Office of the City Attorney and Hernan Cardeno to handle.**

Motion made and approved by acclamation to open and continue to 2:00 p.m.

Ordinance approved without discussion.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 886, published May 8, 2014.

10:32:54 a.m.

2:41:50 p.m.

R5D An Ordinance Amending Chapter 10 Of The Miami Beach City Code, Entitled "Animals," By Creating Section 10-18, To Be Entitled "Requirements For Sales Of Dogs And Cats; Definitions; Permitted Sources; Certificate Of Source; Penalties"; And By Amending Sections 10-2 And 10-3 To Cross-Reference The New Provisions In Section 10-18; Providing For Repealer; Severability; Codification; And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Sponsored by Mayor Philip Levine)

(Legislative Tracking: Office of the City Attorney)

(First Reading on April 23, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3860 adopted.** Motion made by Commissioner Grieco to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-0; Absent: Commissioner Weithorn. **Office of the City Attorney and Hernan Cardeno to handle.**

Motion made and approved by acclamation to open and continue to 2:00 p.m.

Ordinance approved without discussion.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 886, published May 8, 2014.

10:34:04 a.m.

R5E Alcohol in Movie Theaters

An Ordinance Amending The City Code, By Amending Chapter 6, "Alcoholic Beverages," Article I, "In General," Section 6-4, "Location And Use Restrictions," By Permitting Alcohol Beverages To Be Sold In Motion Picture Theaters, Establishing Criteria, Standards And Procedures For Eligible Theaters And Where Alcohol Can Be Sold And Consumed; And Amending Section 6-5, "Patron Age Restrictions," Exempting Motion Picture Theaters From The Code's Patron Age Restrictions; Providing For Codification; Repealer; Severability; And An Effective Date. **10:20 a.m. Second Reading Public Hearing**

(Sponsored by Mayor Philip Levine)

(Legislative Tracking: Office of the City Attorney)

(First Reading on April 23, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3861 adopted.** Item referred to the Planning Board to define movie theaters. Motion made by Commissioner Grieco to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-1; Opposed: Vice-Mayor Steinberg. Thomas Mooney to place on the board agenda. **Office of the City Attorney and Thomas Mooney to handle.**

RECOMMENDATIONS:

- Referred to the Planning Board to define movie theaters in the Land Development Regulations
- Staff to go out and measure the 100-yard distance requirement.

Dr. Morris Sunshine stated that he originally opposed the proposal, but now he is in support. He reviewed the minors (underage persons) control plan and is now convinced that it is safe to go to such theater. They agreed to the management of special events and promotions, there will be no outdoor noise, and the most crucial issue, people who drink, and those that do not drink, will be in

separate screening rooms. There will be sufficient off-duty police personnel skilled to detect fake credentials and identifications. He was assured that there will be sufficient staff at all times to respond promptly if any problems arise.

Neisen Kasdin, representing Regal Cinema, stated that this has been discussed at committee and individually, and it is necessary in order to maintain Regal Cinema as a first class cinema and in keeping with the top of the line cinemas throughout the country. Amendments have been included as suggested, and items have been included as Dr. Sunshine suggested.

Commissioner Tobin stated that the Roosevelt Theatre has 400 seats and at one time they thought about opening up a destination nightclub there. A few years ago on Washington Avenue, a theater was converted and they left the stadium seats on the site, and with all the Schulz and schools on 41st Street, he does not want a situation as they had before, when they had a lot of problems with nightclubs around the City because they were no conditional uses, and it was almost impossible for Code Enforcement to exercise any type of control, because when Code showed up they lowered the music. His concern is that when they pass this ordinance, they be allowed to open up a nightclub on 41st Street, and since there is no definition of what a movie theatre is and what the hours of operation are, by passing this they open up, as a matter of right, for someone to open up nightclubs at the Roosevelt Theatre.

Gary Held, First Assistant City Attorney, explained that the Roosevelt would require a variance. Distance separation and limitations do apply, and there are provisions stating that a variance would be required for the Roosevelt to open up by characteristic. The variance provision does not allow variances to the restrictions that are being imposed on movie theatres for the sale of alcohol, but the distance separation requirements on Section 6-4 continue to apply. Adopting this ordinance would not allow a nightclub to be established, because the rules per neighborhood impact establishments and such for entertainment would apply, and they would need a conditional use approval from the Planning Board.

Commissioner Tobin reiterated that in the legislation they do not define what a movie theatre is.

Gary Held, First Assistant City Attorney, added that if a movie theatre attempted to add components of a nightclub, those characteristics would trigger the entertainment rules, which require a neighborhood impact study.

Discussion continued.

Raul Aguila, City Attorney, agreed that they should define what a motion picture theater is, since there is no current definition in the Code.

Discussion continued.

Commissioner Tobin wants to ensure that if someone were to open something that would be potentially disruptive on 41st Street, that it would be subject to a conditional use and approval by the Commissioner or some of the boards.

Gary Held explained that if it is more than a movie theatre, is affirmative, and if they want to serve alcohol, a variance is needed if within 300 feet from a church or school.

Discussion continued regarding movie theatre definition.

Vice-Mayor Steinberg suggested adding extra language to include "existing movie theatres."

Mr. Held explained that it needs to be a substantial establishment of 15,000 square feet. Discussion continued.

Motion made by Commissioner Grieco to move the item; seconded by Commissioner Malakoff. Roll call: 6-1; Opposed: Vice-Mayor Steinberg.

Commissioner Tobin made a motion to define movie theaters in the Land Development Regulations, and for staff to go out and measure the 100-yard distance and refer to the Planning Board; seconded by Commissioner Grieco. Voice-vote: 7-0. **Thomas Mooney to place on the board agenda and to handle.**

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 886, published May 8, 2014.

10:50:25 a.m.

R5F An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-67 Thereof, Entitled "Prohibited Activities," To Prohibit The Operation Of Motorized Means Of Transportation In, On, Or Upon Any Portion Of A) The Beachwalk Between 15th And 23rd Streets, Between 64th And 79th Streets, And South Of 5th Street; B) The Lummus Park Promenade (Also Known As The Lummus Park Serpentine Walkway) Between 5th And 15th Streets; C) The Sidewalks On The East Side Of Ocean Drive Between South Pointe Drive And 15th Street; D) The South Pointe Park Cutwalk Adjacent And Parallel To Government Cut; And E) The Marina Baywalk Adjacent And Parallel To Biscayne Bay And South Of 5th Street; Providing For Repealer, Severability, Codification, And An Effective Date. **10:25 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Jonah Wolfson)

(Legislative Tracking: Office of the City Attorney/Transportation Management)

(First Reading on April 23, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3862 adopted.** Recommendations referred to the Neighborhood/Community Affairs Committee (NCAC). Motion made by Commissioner Wolfson to approve the Ordinance and to refer Henry Stolar's recommendations to the NCAC; seconded by Commissioner Grieco; Ballot vote: 7-0. Vania Pedraja to place on the committee agenda. **Office of the City Attorney and Jose Gonzalez to handle.**

RECOMMENDATIONS:

Referred to Neighborhood/Community Affairs Committee Henry Stolar's suggestions:

1. Prohibit motorized vehicles on the boardwalk and pedestrian sidewalk (Sec. 70-67(c))
2. Require a Business Tax Receipt, complying with existing insurance requirements, existing speed certification requirements, indemnification agreement and customer acknowledgment requirements. (Sec. 70-70 (a))
3. Expand existing insurance requirement to include annual furnishing of Certificate of Insurance to the City. (Sec. 70-70 (b))
4. Expand maximum speed certification requirement to require identification of speed-certified motorized vehicle and annual inspection and testing of each motorized vehicle by the City for compliance with the maximum speed requirement. (Sec. 70-70 (g))

5. Add an annual application for the issuance of a unique numbered license plate for each motorized vehicle. (Sec. 70-70 (g))
6. Add provision that limits rentals to organized tour groups. (Sec. 70-70 (h))

Commissioner Wolfson stated that to him this is a safety issue, as he has great concerns about the Segways on the cutwalks, sidewalks and in areas on Ocean Drive. He has seen multiple incidents involving collisions, and he notes people with signs probably from the industry, and he looks forward to hearing all comments. He thinks that injury and the quiet enjoyment of the City's sidewalks and streets is the threshold they should have. There have been multiple injuries and emails from constituents opposing Segways, and again, is a safety issue, not an economic issue.

Josh Squires spoke in favor of Segways and suggested for the City to hire a planning firm and have them find a solution to separate bike lanes and Segways uses on the beach. He passed around a petition containing over 400 signatures in support of these motorized devices.

Commissioner Grieco stated that he had reviewed the petitions distributed, and out of the 400 petitions, there is only one Miami Beach voter. Anyone can go online and type an address without a signature as long as they have a valid email address.

The following individuals spoke in favor of prohibiting Segways:

1. Henry Stolar stated that he submitted suggestions for strengthening the pending ordinance and encouraged the City Commission to consider and adopt them. If considered, this will revert this proceeding to first reading and then a further second reading, but it is worth taking the time to do it right. (See handouts.)
2. Ronald Starkman, representing the South of Fifth Neighborhood Association, thanked Commissioners Wolfson and Grieco for their leadership.
3. Clotilde Luce
4. Jo Manning
5. Sonia Navarro
6. Dr. Morris Sunshine

The following individuals spoke in favor of the Segways:

1. Cristina Sancec
2. John Sancec
3. Julio Lopez
4. Karl Snyder
5. Miguel Zaldivar

Fire Chief Fernandez stated that the Fire Department has responded on multiple alarms due to Segways injuries that range from scrapes and falls, to serious injuries such as broken legs. The City recognizes that on certain areas there is a friction between motorized vehicles and the pedestrians.

Commissioner Wolfson asked if the Fire Chief is supportive of this ordinance from a safety standpoint.

Fire Chief Fernandez stated that they definitely support this ordinance.

Discussion continued.

Police Captain Doce spoke in support of the ordinance. He explained that it takes four hours for a police officer to train fully on how to use a Segway, and it takes eight hours to teach a police Segway instructor, he cannot imagine a company taking four hours to train somebody. In addition, these vehicles have no brakes and they do go at high speeds, and it becomes a problem with these Segways operating at these speeds if they do not make a move to limit them.

Commissioner Weithorn stated that she sponsored the first Segway ordinance and she worked with the Segway industry and gave them an opportunity to make it work; they did not regulate themselves; they did not do their job. She added that ironically she recently was hit by a Segway and had to go to the doctor and still has a hematoma. The Segway was in a prohibited area and going in excess of speed. She is in full support of the ordinance and she thanked her colleagues for bringing this item forward.

Commissioner Wolfson clarified that this is one of the things being done to clean up Ocean Drive as far as safety is concerned.

Commissioner Tobin stated that he received a telephone call from a Segway operator stating that he has a mortgage and 20 employees under him, and this ordinance will put him out of business. Commissioner Tobin explained to him that the Commission has discussed the issue for two years; there are some people that have been hurt, and unfortunately, they have to prohibit these motorized vehicles from the high pedestrian areas.

Commissioner Grieco clarified that this does not ban Segways; they will no longer allow Segways on the beachwalk in Lummus Park, the sidewalk adjacent to Lummus Park, South Pointe Park, the baywalk and other areas, but it does not stop operators from being on Ocean Drive on the street. This is a safety measure for everyone. He will be happy to have another conversation to include accommodations for tours, but he is voting in favor.

Motion made by Commissioner Wolfson to move the ordinance, referring Henry Stolar's suggestion (to include insurance requirement and annual furnishing of insurance to the City) to the NCAC; seconded by Commissioner Grieco; Voice vote 7-0.

Debora Turner, First Assistant City Attorney, explained that the language is in the Administrative Guidelines, and will be reviewed for an upcoming ordinance.

City Clerk's Note: In the Commission Item Summary and Commission Memorandum (Agenda Page 319) where it mentions the prohibited zone, the Beachwalk South of Fifth Avenue should have been included.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 886, published May 8, 2014.
2. Email from Jimmy Morales to Rafael Granado dated May 18, 2014, RE: Omission on Summary Page for Agenda Item R5F
3. List of Proposed Substantive Amendments RE: Motorized Vehicles Prohibition, Item R5F – Commission Meeting, May 21, 2014, submitted by Henry Stolar.

11:35:09 a.m.

R5G An Ordinance Amending Chapter 106 Of The Miami Beach City Code, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division I, Entitled "Generally," By Amending Section 106-55, Entitled "Parking Rates, Fees, And Penalties," By Amending Subsection (N), Entitled, "Hybrid/ILEV (Inherently Low Emissions Vehicles) Vehicles Incentive," By Amending Vehicle Participation Criteria For The Hybrid/ILEV Vehicles Incentive Program To Substitute Vehicles With An EPA (Environmental Protection Agency) Smartway Designation; And Establishing An Annual Miami Beach Resident Permit Fee For Scooters And Motorcycles; Providing For Codification, Repealer, Severability, And An Effective Date. **10:30 a.m. Second Reading Public Hearing**

(Sponsored By Mayor Philip Levine)
(Legislative Tracking: Parking)
(First Reading on April 23, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3863 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Grieco; Ballot vote: 6-1; Opposed; Commissioner Malakoff. **Saul Frances to handle.**

Sonia Navarro stated that the motorcycles and scooters affect the quality of life of residents.

Commissioner Weithorn explained that the item is about parking, and only to allow scooters and motorcycles to have a permit to park.

Commissioner Malakoff explained that she is voting against it because she does not want a proliferation of scooters and motorcycles in the City, as they are dangerous to pedestrians and bicyclists.

Commissioner Grieco clarified that this is only for residents and pointed out that this is for residents who own their scooters and will obtain a parking spot.

Discussion continued.

Vice-Mayor Steinberg asked how the law will be enforced and suggested adding signage that indicates "Parking for Motorcycles" or "Parking for Vehicles" only.

Saul Frances, Parking Department Director, explained that they will take a conventional parking space and convert into four motorcycle or scooter spaces, because technically a motorcycle and/or scooter are registered vehicles in the State of Florida and they have the right to park in a conventional parking space.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 886, published May 8, 2014.

11:46:34 a.m.

R5H An Ordinance Amending Chapter 106 Of The Miami Beach City Code, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division I, Entitled "Generally," By Amending Section 106-47, Entitled "Freight, Commercial, And Passenger Curb Loading Zones; Hours, Deliveries"; Creating Subsection (f), Permit Required; Further Amending Section 106-55; Establishing Subsection (o), Entitled, "Freight Loading Zone (FLZ) Permit"; And Subsection (p), Entitled, Alley Loading (AL) Pemrit; Providing For Codification, Repealer, Severability, And An Effective Date. **10:35 a.m. Second Reading Public Hearing**

(Sponsored By Commissioner Michael Grieco)

(Legislative Tracking: Parking)

(First Reading on April 23, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. Item opened and continued to **May 28, 2014 at 5:40 p.m.** Motion made by Commissioner Grieco to open and continue the item; seconded by Commissioner Weithorn; Ballot vote: 7-0. Lilia Cardillo to place on the Commission Agenda if received. **Saul Frances to handle.**

Commissioner Grieco requested allowing a UPS representative to speak on the item.

Frank Morris, UPS representative, met with Commissioner Grieco and Parking Director Saul Frances and understands that their trucks are at times parked on the streets, and this is done because access is limited. They appreciate the commitment from Mr. Frances about being willing to work with them. They do double park occasionally but they make over 2,700 pick-ups and deliveries on Miami Beach, daily. They need access to businesses and apartments and homes to deliver packages. He is looking forward to working with the City on this.

Saul Frances, Parking Director, explained that they reached out to UPS, as well as other purveyors, to have conversations such as this.

Commissioner Grieco and Mayor Levine recognized Saul Frances for his efforts.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 884 published May 8, 2014. **3:37:33 p.m.**

R5I AFSCME MBERP Ordinance

An Ordinance Implementing Provisions Of The 2013-2016 Collective Bargaining Agreement Between The City And The American Federation Of State, County And Municipal Employees, (AFSCME) Local 1554; Amending The Miami Beach Employees' Retirement Plan Created By Ordinance 2006-3504; Amending Section 2.26 Of The Plan By Extending The Deferred Retirement Option Plan (DROP) Program From Three (3) To Five (5) Years For Eligible Members; Amending Section 5.13 To Reflect Amended Eligibility And Participation Requirements And Amended DROP Plan Features; Amending Section 4.03 By Eliminating The Purchase Of Additional Creditable Service Effective April 23, 2015; Amending Section 6.02 Of The Plan By Reinstating An Additional Two Percent Member Contribution For Members Of The AFSCME Bargaining Unit Hired Prior To September 30, 2010; And Eliminating The Additional Two Percent Member Contribution When The Plan Actuary Confirms That The City's Annual Required Contribution To The Retirement Plan Is 23.5% Of Payroll Or Less; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. **10:40 a.m.**

Second Reading Public Hearing

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Human Resources)

(First Reading on April 30, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3864 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Grieco; Ballot vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Ordinance approved without discussion.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 884 published May 8, 2014.

3:55:20 p.m.

R5J An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article IV Entitled "Officers And Employees," By Amending Section 2-191 Entitled "Enumeration Of Organizational Units," By Creating The Office Of Housing And Community Services And Transportation Department; And Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. **10:45 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Human Resources)

(First Reading on April 23, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3865 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Ordinance approved without discussion.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 884 published May 8, 2014.

3:56:28 p.m.

R5K An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group I, Represented By The American Federation Of State, County And Municipal Employees (AFSCME) Local 1554, In Accordance With The Negotiated 2013-2016 Collective Bargaining Agreement; Effective Upon Ratification Of The Collective Bargaining Agreement, The 2009 Condrey Classification And Compensation Study, Inclusive Of Subsequent Amendments, Will Be Implemented, Establishing The Minimum Salary For All Bargaining Unit Classifications In Accordance With "Scale C" Of The Study, And Establishing The Maximum Salary For All Bargaining Unit Classifications In Accordance With "Scale B" Of The Study; Effective April 1, 2014, There Shall Be An Across The Board Cost-Of-Living Adjustment (COLA) Of Two Percent (2%), And The Minimum And Maximum Of Each Pay Range, Including The Pay Ranges In The 2009 Condrey Classifications And Compensation Study, As Amended, Will Also Be Increase By Two Percent (2%); Further, Effective April 1, 2015, There Shall Be An Across The Board Cost-Of-Living Adjustment (COLA) Of One Percent (1%), For Employees Whose Base Salary Does Not Exceed The Maximum Of Their Pay Ranges As Recommended By The 2009 Condrey Classification And Compensation Study "Pay Scale B," Inclusive Of Subsequent Amendments, And The Minimum And Maximum Of Each Pay Range, Including The Pay Ranges In The 2009 Condrey Classification And Compensation Study, As Amended, Will Also Be Increased By One Percent (1%); Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **10:50 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Human Resources)

(First Reading on April 23, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3866 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Ordinance approved without discussion.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 884 published May 8, 2014.

3:58:29 p.m.**R5L Others Salary Ordinance**

An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group VI, Not Represented By A Collective Bargaining Unit And Commonly Referred To As "Others"; Effective April 23, 2014, Adopting The 2009 Condrey Classification And Compensation Study, Amended By Seven Percent (7%) In August 2013, By The Consultant, Establishing The Minimum Salary For All "Others" Salary Group Classifications In Accordance With "Scale C" Of The Study, And Establishing The Maximum Salary For All "Others" Salary Group Classifications In Accordance With "Scale B" Of The Study; Adopting The Classification Titles As Recommended Therein, Amending The Minimum And Maximum Of Each Range By Two Percent (2%) Effective April 23, 2014 And One Percent (1%) Effective April 1, 2015; Changing The Title Of The Human Resources Technicians I, II And III To Human Resources Technician; Deleting The Following Obsolete Classifications: Administrative Aide II/Risk And Employee Benefits Specialist; And Establishing The Newly Created Classification Of Case Worker Assistant And Recreation Attendant; Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **10:55 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Human Resources)

(First Reading on April 23, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3867 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Ordinance approved without discussion.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 884 published May 8, 2014.

4:00:20 p.m.**R5M Unclassified Salary Ordinance**

An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group VII, Comprised Of At-Will Employees Commonly Referred To As "Unclassified Employees," Effective April 23, 2014; Adopting The 2009 Condrey Classification And Compensation Study, Amended By Seven Percent (7%) In August 2013, By The Consultant; Establishing The Minimum Salary For All Unclassified Salary Group Classifications, In Accordance With "Scale C" Of The Study, And Establishing The Maximum Salary For All Unclassified Salary Group Classifications, In Accordance With "Scale B" Of The Study; Amending The Minimum And Maximum Of Each Range By Two Percent (2%), Effective April 23, 2014, And One Percent (1%), Effective April 1, 2015; Adopting The Following Classification Titles: From Chief Structural Plans Examiner To Chief Structural Engineer; From Expenditure/Treasury Manager To Treasury Manager; From Executive Assistant To The City Manager To Assistant To The City Manager; From Utility Superintendent To Water And Sewer Superintendent; From Property Management Contracts Coordinator To Maintenance Management Coordinator; From Tourism And Convention Director To Marketing And Tourism Manager; From Labor Relations Division Director To Labor Relations Manager; From Chief Engineering Inspector To Governmental Compliance Coordinator; From Field Supervisor To Field Inspections Supervisor-CIP/Planning And Zoning Inspector; From Police Financial Assistant To Business Manager; From Community Development Specialist To Housing And Community Development Specialist; From Field Agent To Tax Auditor; From

Constituent/Commission Aide To Commission Aide; From Call Center/Customer Service Manager To Community Outreach Manager; From Truancy Prevention Program Coordinator To Truancy Coordinator; From Assistant Director Parks/Assistant Director Recreation To Assistant Director Parks And Recreation; From Departmental ADA Coordinator To ADA Coordinator; From Urban Forrester To Parks Superintendent - Urban Forrester; Creating The Following New Classification Titles: Asset Specialist; Assistant City Attorney I; Educational Aide; Parks And Recreation Administrative Specialist; Planner I And Planner II; Development And MBTV Director; Public Arts Coordinator; Program Coordinator (Youth Empowerment Network); Project Manager; Senior Legal Secretary; Tutoring Supervisor; Incorporating The Following Additional Classification Changes: From Assistant Director - Code Compliance To Code Compliance Assistant Director; From Housing And Community Development Division Director To Housing And Community Services Director; Deleting The Following Obsolete Classifications: Account Manager – Finance; Assistant For Labor Relations; Office Of Child Development Director; Real Estate Housing And Community Development Director; Labor Relations Director; Housing, Community And Economic Development Division Director; Office Of Community Services Division Director; Public Safety Special Projects Coordinator; Registrar; And Establishing The Following Newly Created Classifications Since The 2009 Condrey Study: Building Official; Recreation Supervisor II; Code Compliance Director; Senior Code Compliance Administrator; Senior Media Specialist; Senior Business Manager; Capital Improvement Projects Division Director; Chief Learning And Development Officer; Emergency Management Specialist; Intern; Housing And Community Services Department Director; Management And Budget Analyst I; Mayor And Commission Branding Manager; Mayor And Commission Office Manager; Planning Department Deputy Director; Public Safety Communications Unit Director; Secretary; Senior Human Resources Specialist; Transportation Analyst; Transportation Operations Supervisor; Transportation Director; Permitting The Recognition Of Those Unclassified Employees Over The Maximum Of Their Respective Salary Ranges, By Allowing For A One-Time, Non-Recurring, Non-Pensionable Adjustment Of Up To Two Percent (2%) Of Their Salaries (Based On Whether They Met, Exceed Or Significantly Exceed Performance Expectations, As Reflected By The Ratings On Their Individual Performance Evaluations); Repealing All Ordinances In Conflict Therewith; Providing For Severability, An Effective Date, And Codification. **11:00 a.m. Second Reading Public Hearing**

(Sponsored by Finance & Citywide Projects Committee)
 (Legislative Tracking: Human Resources)
 (First Reading on April 23, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3868 adopted.** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Grieco; Ballot vote: 5-2; Opposed: Commissioners Tobin and Weithorn. **Sylvia Crespo-Tabak to handle.**

Commissioner Weithorn stated that she will not vote in favor of this item. She believes that employees that did not get a raise should be in the same boat as those employees who are over the maximum at Condrey. She cannot support the item.

Motion made by Commissioner Malakoff; seconded by Commissioner Grieco.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 884 published May 8, 2014.

11:44:40 a.m.

R5N Religious Uses Ordinance - Religious Land Use And Institutionalized Persons Act (RLUIPA)
An Ordinance Amending The City Of Miami Beach Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," And Article IV, "Supplementary District Regulations," To Provide For The Equal Treatment Of Religious Institutions In Multifamily, Commercial And Industrial Districts, Allowing Religious Institutions As A Matter Of Right Up To 199 Occupancy, As Either Main Permitted Or Accessory Uses As Set Forth In The Respective Zoning Districts, And Requiring Conditional Use Approval For Such Uses With Higher Occupancy, Providing For Repealer; Severability; Codification; And An Effective Date. **11:15 a.m. Second Reading Public Hearing**

(Sponsored by the Land Use and Development Committee)

(Legislative Tracking: Planning)

(First Reading Public Hearing on April 23, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3869 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 7-0. **Thomas Mooney to handle.**

Ordinance approved without discussion.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 884 published May 8, 2014.
2. The Miami Herald Neighbor's Section Ad No. 887 published May 8, 2014.

11:41:58 a.m.

R5O Single Family Parking Space Removal
An Ordinance Amending The City Code, By Amending Chapter 106, "Traffic And Vehicles," Article II, "Metered Parking," Division 1, "Generally," Section 106-55, "Parking Rates, Fees And Penalties," To Modify On-Street Parking Space Removal Requirements For Single Family Uses; Providing For Repealer; Severability; Codification; And An Effective Date. **11:25 a.m. Second Reading Public Hearing**

(Sponsored by Vice-Mayor Micky Steinberg)

(Legislative Tracking: Planning)

(First Reading on April 23, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3870 adopted.** Motion made by Vice-Mayor Steinberg to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 7-0. **Thomas Mooney and Saul Frances to handle.**

Saul Frances, Parking Department Director, explained that this is an amendment to the City Code to remove the waiver for the \$35,000 fee per space. He stated that there is a single-family homeowner in the audience. She is removing a parking space to allow for a driveway, and with that, the Code requires a \$35,000 fee. Since they are providing access to the property, the amendment is to remove the fee requirement.

Sarah Wright thanked Mr. Frances for his assistance.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 884 published May 8, 2014.

11:52:10 a.m.**R5P Repeal Of CD-2 Self-Storage**

Repeal Of An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, CD-2 "Commercial, Medium Intensity District," By Removing "Self-Storage Warehouses" As A Conditional Use In This Zoning District; Providing For Repealer, Severability, Codification And An Effective Date. **11:35 a.m. First Reading Public Hearing**

(Sponsored by Commissioner Jonah Wolfson)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. Public Hearing held. Repeal Rejected. Motion made by Commissioner Wolfson to approve the Ordinance on first reading; seconded by Commissioner Tobin; Ballot vote: 3-4; Opposed: Vice-Mayor Steinberg, and Commissioners Grieco, Malakoff and Weithorn. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion made by Commissioner Grieco to accept the Land Use and Development Committee's recommendation not to repeal this Ordinance; seconded by Commissioner Malakoff; Voice vote 4-3; Opposed: Mayor Levine, and Commissioners Tobin and Wolfson.

Commissioner Wolfson stated that the prior Commission gave permission to build a self-storage facility on Alton Road, and there was a struggle regarding the issue of spot zoning. The City Commission has addressed the issue of making Alton Road pedestrian friendly and discussing a Master Plan for Alton Road, and his sense is that self-storage is a poor use for Alton Road, and there is the potential that these self-storage facilities will proliferate. They are now developing a good sensible plan, and this is not a well thought out plan and he moved the item to repeal the ordinance.

Mayor Levine agreed with Commissioner Wolfson, and disclosed that he owns property on Alton Road, but he thinks this is the wrong way to go with Alton Road; he does not see it as a street that has public storage along the way.

Commissioner Malakoff stated that this item was discussed at the February 19, 2014 Land Use & Development Committee, and members recommended not repealing the ordinance. The Planning Board also discussed the item and recommended against the repeal. She spoke to the Flamingo Park Neighborhood residents and they believe this is a good place for self-storage facilities and does not think repealing is wise. There is a need for it.

Commissioner Weithorn explained that this is a market-based issue, and she does not think it will proliferate because the market is such that there will be better uses on Alton Road.

Discussion held.

Commissioner Tobin asked if there is retail below the self-storage.

Thomas Mooney, Planning Director, stated that retail is a requirement for self-storage facilities.

David Sacks spoke against repealing the ordinance.

Discussion continued.

Commissioner Malakoff stated that this also has to be reviewed by the HPB and PB again. The HPB is certainly not going to approve something that is a concrete unfinished "ugly" box.

Commissioner Grieco asked that they call the question. Discussion continued.

David Sacks stated that for the Planning Board and the Land Use & Development Committee they, along with the architects, have shown a number of proposed conceptual plans that the community has embraced. As far market-based conditions, that is not one of the criteria subject to the Planning Board passing the ordinance. He added that currently the City Code in the C-1 zoning classification allows for self-storage and conditional use permit, and that is a lower intensity use; this is CD-2.

Thomas Mooney, Planning Director, in answering Commissioner Wolfson's question, explained that if they had an approval from a Land Use Board prior to the repeal being referred, it would have grandfathered them in.

Mayor Levine agrees with Commissioner Malakoff, and added that he is voting against the item; but he believes that there are greater uses for Alton Road.

Motion to repeal the ordinance was made by Commissioner Wolfson; seconded by Commissioner Grieco; Ballot vote: 3-4; Opposed: Vice-Mayor Steinberg, and Commissioners Grieco, Malakoff and Weithorn.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 884 published May 8, 2014.
2. The Miami Herald Neighbor's Section Ad No. 885 published May 15, 2014.

5:06:14 p.m.

R5Q Alton Road Historic District Buffer Overlay

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 89 "Alton Road - Historic District Buffer Overlay," By Including Section 142-~~858~~ 863 "Location And Purpose," And Section 142-~~859~~ 864 "Development Regulations," Including Among Other Regulations On Maximum Floor Area Ratio; Maximum Building Height; Minimum Setbacks; Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 10,000 Sq. Ft.; And Prohibiting Alcoholic Beverage And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date. **5:05 p.m. Second Reading Public Hearing**

(Sponsored by the Land Use & Development Committee/Requested by City Commission)

(Legislative Tracking: Planning)

(Reconsidered on April 30, 2014)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3871 adopted as amended.** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. **Thomas Mooney to handle.**

Amendment:

Language to include scrivener's errors corrections.

Mark Needle thanked the City Commission for passing the item during the last Commission Meeting and for reconsidering to address what he thinks is a small-scale issue but important to those affected by it. This is something that was not vetted during the course of these long negotiations and hearings over this issue. The Flamingo Park Association had supported a ban on open-air entertainment, except facing Alton Road, where there is a building buffering it from the neighbors. If there is to be an exception that favors the existing historic buildings and the courtyards, it is important to recognize that there are different types of entertainment that can go there. There can be a quiet little breakfast nook that can be a great complement to the neighborhood, there can be entertainment, even alcohol entertainment and happy hour entertainment, and is glad to see that the current version at least prevents after 8:00 p.m., without a use permit, which gives the residents an opportunity to determine if this is in fact best suited there, if it is properly buffered and allows for recourse if it is a bad neighbor. It is important to recognize that happy hours could become popular in these courtyards, and daytime uses could become a nuisance. They are asking to at least give conditional use so the public has a voice of what goes next to them.

Sam Carson, President of the Flaming Park West Neighborhood Association, stated that while this does not affect him personally, but is concerned with members of the association that are definitely affected by this, and he is speaking on their behalf. He has had information coming from my members who want to ban or have conditional uses.

Motion made by Commissioner Malakoff to adopt the ordinance; seconded by Commissioner Weithorn.

Gary Held, First Assistant City Attorney, noted for the record, that there are Scrivener's errors provided in the draft that is in the agenda package and he wants to make sure the motion includes that as well. Commissioner Malakoff stated that the motion includes the Scrivener's errors.

Commissioner Tobin praised Commissioner Malakoff for catching a good mistake and brought it back, and did something that could have had bad consequences and he is privileged to serve with her.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 884 published May 8, 2014.

9:24:43 a.m.

SUPPLEMENTAL AGENDA 3: Revised Ordinance

R5R An Ordinance Amending Chapter 82 Of The Miami Beach City Code, Entitled "Public Property," By Amending Article VI, Entitled "Naming Of Public Facilities And Establishment Of Monuments And Memorials," By Amending The Definitions In Section 82-502, Amending The Criteria For The Naming Of Public Facilities And The Co-Naming Of Streets In Section 82-503; Amending The Provisions In Section 82-505 For The Acceptance Of Monetary Donations In Consideration For The Naming Or Renaming Of Public Facilities; And Amending Section 82-501 To Cross Reference Amended Subsection 82-503(c); Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by Commissioner Michael Grieco)
(Legislative Tracking: Office of the City Attorney)
(Continued from April 23, 2014)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading as amended.** Motion made by Commissioner Grieco to approve the Ordinance; seconded by Commissioner Wolfson; Ballot vote: 7-0. Second reading and Public Hearing scheduled for June 11, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

Amendments:

- Remove section regarding persons that are deceased or have been alive for over 100 years.
- Include buildings that have a living historical perspective that would fit into the categories, but are not a commercial or public facility or a neighborhood; for instance The Women's Club.
- Allow for the limitation of areas of streets and portions of streets.
- Broaden criteria to give more discretion to remove names in the future.

Commissioner Grieco stated that Debora Turner, First Assistant City Attorney, Raul Aguila, City Attorney, and himself, have been working on amending the existing ordinance relating the co-naming of streets. The proposed amendments would allow for co-naming the streets on behalf of a business that has been in existence in excess for 100 years, it will also allow for the co-naming of a street for a resident that is deceased or over 100 years old. Lastly, it will allow for the co-naming of City streets as it relates to geographic areas and neighborhoods. There was misinformation or scrivener's error that there was reference to co-name after living individuals, but this is incorrect.

Raul Aguila, City Attorney, stated that the ordinance allows co-naming City streets. The amendment in the Supplemental package would also allow co-naming streets in honor of persons who are deceased, or over 100 years of age. In addition to commercial establishments that have been in business for over 100 years, it allows for a public facility or area located adjacent to the street being co-named. Regarding individuals or places, there is a threshold where one has to demonstrate under the ordinance, as a pre-requisite via a factual summary confirming the person's contribution to the City, and the same for commercial establishments. It also requires a public hearing and a 5/7 vote.

Commissioner Weithorn explained that The Women's Club was a private club, which is no longer in existence, but is an integral part of the history of Miami Beach, it is a living historical perspective that would fit into the categories, but is not a commercial or public facility or neighborhood, and she wants to ensure that it can be included. Perhaps naming one block Women's Club Way is appropriate. She offered this as an amendment.

Raul Aguila, City Attorney, explained that this could be clarified for second reading under subsection three of the proposed ordinance, which allows to co-naming streets after a public facility located on a street. **Office of the City Attorney to handle.**

Commissioner Grieco accepted Commissioner Weithorn's amendment.

Commissioner Malakoff stated that the Historic Preservation Board could request that.

Vice-Mayor Steinberg stated that if a park is named after an individual it has to go to referendum; naming a building after someone has to go to referendum; why not have the same requirements for the co-naming of streets; it too should go to referendum.

Commissioner Grieco stated that the intention is to co-name one block, and for purposes of commercial establishments, this requires a committee meeting and a public hearing, along with a 5/7 vote. He is in agreement with the amendment proposed by Commissioner Weithorn.

Discussion held regarding limiting the number blocks on a particular street that are co-named.

Raul Aguila, City Attorney, stated that to give the Commission ultimate flexibility as to the size of the thoroughfare being co-named, he will amend the language to reflect "streets or for portions thereof," thus allowing the Commission the discretion how far or how little they want to go.

Vice-Mayor Steinberg feels it should go to referendum.

Commissioner Malakoff asked for an explanation for Section 7 "naming or renaming in exchange for a monetary donation."

Raul Aguila, City Attorney, explained that currently in accordance with Chapter 82-505, as Vice-Mayor Steinberg stated, if a park is to be renamed in the City, the procedure is to go to a referendum. A few years ago, they created this provision, when the City was engaged in exploring sponsorship opportunities for certain public facilities and parks as a revenue generator. What this provision does is if one gives money in exchange for the naming of a public facility, or the interior portion of the public facility, no referendum is required. This provision was put there to attract sponsorship opportunities. This is an existing provision of the Code that is not part of Commissioner Grieco's amendment. The only addition Raul Aguila, City Attorney, made to the provision is that if a facility is named, and the person or entity subsequently commits or is adjudicated of a felony, then the City can take down the name without any liability. If the Commission wants to consider repealing this or deleting this provision, then he can bring back at second reading.

Commissioner Malakoff stated that this is a terrible idea because they are spending a great deal of money building and rebuilding. She asked if it was possible to rename 41st Street, which is also known as Arthur Godfrey Road.

Raul Aguila, City Attorney, stated that the name can only be removed off a building, park or street, if convicted or adjudicated guilty, and Arthur Godfrey would not qualify under that example. However, it is discretionary and within the Commission's purview to remove the name. The Commission can broaden the criteria to give itself more discretion to remove names in the future. He suggested coming up with additional criteria on second reading.

Discussion held regarding requiring referendum.

Commissioner Grieco explained that the only way to co-name a street at the present is after the name of a police officer fallen in the line of duty. That is the only co-naming a street portion of the ordinance that does not need a referendum.

Discussion continued regarding co-naming street after individuals who are deceased. Commissioner Grieco agreed to remove the section pertaining to person that are deceased or have been alive for over 100 years, after listening to his colleagues' concerns.

Motion made by Commissioner Grieco to adopt the ordinance on first reading as amended, seconded by Commissioner Wolfson, removing the section regarding persons that are deceased or have been alive for over 100 years; and with the following amendments: business and geographical areas, look for language to include The Women's Club, as well as language regarding removal of names in streets wherever possible, and limiting to portion of streets; Voice-vote: 7-0.

9:46:00 a.m.

R5S Below Grade Floor Area

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 114, "General Provisions," By Amending The Definition Of Floor Area; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading**

(Sponsored by the Planning Board)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. Second reading and Public Hearing scheduled for June 11, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion made by Commissioner Weithorn to accept the Planning Board's recommendation of this Ordinance; seconded by Commissioner Malakoff; Voice vote 7-0.

Thomas Mooney, Planning Director, introduced the item. This is an ordinance that makes a minor change to the definition of Floor Area Ratio (FAR) in the City Code. Currently FAR, when it is located below grade, if it is only located halfway below grade, it only counts for one-half of the total FAR, but it does not define how far below grade it has to go in order to qualify for that. In looking at a cleanup of the amendment, and given the impact of sea level rise, water retention and flooding, the Planning Department concludes that it would be better to count it as full FAR and no longer admitted as a bonus. The Planning Board agreed and voted in favor of ordinance 5-0, and the Administration is recommending approval on first reading.

Commission Malakoff moved the item, as it is something that is going to take away a bonus for FAR and it is considering the rising sea level that is very wise to do at this time.

9:48:48 a.m.

R5T Bed And Breakfast Inns

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations" Article V "Specialized Use Regulations," Division 7 "Bed And Breakfast Inns," Section 142-1401, "Conditions For Bed And Breakfast Inns," To Address And Clarify The Eligibility For Contributing Buildings In Historic Districts To Be Converted To Bed & Breakfast Inns Within The City Of Miami Beach; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Sponsored by the Land Use and Development Committee)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff Ballot vote: 7-0. Second reading and Public Hearing scheduled for June 11, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the City Code, motion was made by Commissioner Malakoff to accept the Land Use and Development Committee's recommendation of this Ordinance; seconded by Commissioner Weithorn Voice vote 7-0.

Thomas Mooney, Planning Department Director, introduced the item. This particular ordinance amendment makes a minor change to the definition of bed and breakfast. In 2010, there was amendment made to accommodate a commercial structure in the Flamingo Park District. As part of that Ordinance change, there was an inadvertent change that would allow, as the Code is currently written, for apartment houses to also to be bed and breakfasts. Within RM-1 District, it was always the intent for bed and breakfasts to be limited to single-family homes that were being restored. The proposed Code amendment would make the minor change that it would apply only to a structure that was originally constructed as a single-family residence and that is not classified as an apartment.

9:52:23 a.m.**R5U North Beach National Register District Parking Ordinance**

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," Section 130-32, "Off-Street Parking Requirements For Parking District No. 1," By Adding New Parking Regulations For Apartment And Apartment-Hotel Buildings In Parking District No. 1, Including A Reduction In Off-Street Parking Requirements For Contributing Buildings In National Register Historic Districts; By Amending Section 130-33, "Off-Street Parking Requirements For Parking Districts No. 2, 3, 4 And 5" By Adding New Parking Regulations For Apartment And Apartment-Hotel Buildings In Parking District No. 4, Including A Reduction In Off-Street Parking Requirements For Contributing Buildings In National Register Historic Districts; By Amending Chapter 130, "Off-Street Parking," Article V, "Fee In Lieu Of Parking Program", Section 130-131 "Generally", By Creating A New Parking Impact Fee Category For Additions To Contributing Buildings In National Register Historic Districts; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by the Land Use and Development Committee)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 7-0. Second reading and Public Hearing scheduled for June 11, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion made by Commissioner Weithorn to accept the Land Use and Development Committee's recommendation of this Ordinance; seconded by Commissioner Malakoff; Voice vote 7-0.

Thomas Mooney, Planning Director, explained that this ordinance goes back to 2012 when the Planning Board held a Workshop regarding North Beach. Two of the outcomes and recommendations from the Workshop were to amend the parking ordinance to allow additions to contributing buildings located in National Registered Districts in North Beach, to be able to pay a one-time parking impact fee, in the same manner as historic and contributing buildings in local historic Districts; the second was to amend the parking ordinance to reduce parking requirements for additions to contributing buildings in the National Registered Historic Districts. Currently because they are not part of a local historic Districts any additions to a building would have to provide the required parking on site, and there is not much of an incentive for property owners to keep the building if they can do a small addition, due to parking requirements. In February 2014, the Planning Board transmitted the ordinance to the Commission with a favorable recommendation and Administration is recommending approval.

Commissioner Malakoff had a problem with this item, because one of the major problems in the City is the lack of parking, and this is modifying the sections allowing more buildings within historic Districts to reduce the parking required. Her understanding is, as written, that is only if a building is renovated with the addition of 2500 feet or less. She asked for an explanation.

Thomas Mooney, Planning Director, answered that currently if a property owner has an existing building and they want to do an addition to that building, unless they can provide the required parking on site, they are not permitted to do the addition. This ordinance, if they are retaining and preserving a contributing building, would allow them to add 2,500 square feet or roughly three additional units without having to provide parking on site. They would still be permitted to

demolish the building if desired, and build a new one with the required parking, but in the event they wanted to keep the existing building and do a small addition, this would enable them to do that.

Discussion held.

Commissioner Weithorn stated that this ordinance gives North Beach the same incentives they offered South Beach and thanked Commissioner Malakoff for clarifying. The big issue in North Beach was how to mix the historic field but allow the right kind of development to change the development. She moved the item.

Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to approve the Ordinance on first reading.

Commissioner Wolfson asked if Mr. Mooney thinks this is a movement to improve old apartment buildings.

Thomas Mooney stated that potentially it is, because over time they have met with property owners to discuss the potential of keeping existing building. One of the things holding back is the inability to add to the building because they cannot provide parking on site. This would allow them to do an addition that could make the renovation of a building more economically feasible by not having the parking requirement.

Discussion continued.

In answering Commissioner Wolfson's question of why this should apply to historic Districts only, Mr. Mooney explained that in the National Registered Historic Districts, the areas have been identified as having a high level of value in terms of architecture and stability of the buildings, in terms of how they establish an identity and a brand. They could explore additional areas of North Beach that are not yet in a historic District, and that is a policy question. Discussion continued.

Commissioner Malakoff asked if the ability to add 2,500 square feet is enough of an incentive for the property owners to restore and renovate historic buildings, which is the reason she supported the item. However, this ordinance is premature, since they are looking at overlay Districts. If someone uses the FAR to add three rooms, they may have a better use in the future. She is not sure if the timing of this ordinance is correct.

Commissioner Wolfson suggested passing the ordinance on first reading.

Motion made by Commissioner Weithorn to adopt the ordinance; seconded by Commissioner Malakoff. Voice-vote: 7-0. Motion carries.

4:05:48 p.m.

R5V Alcoholic Beverages - Correct Section 6-3 Hours of Sale

An Ordinance Amending Chapter 6, "Alcoholic Beverages," Of The Code Of The City Of Miami Beach, Florida, By Amending Section 6-3, "Hours Of Sale," To Correct Scrivener's Errors Concerning On-Premises And Off-Premises Regulations, To Reflect The Action Of The City Commission In Previous Amendments To Such Chapter, Restoring To The Code The On-Premises Consumption Regulation Between 8:00 a.m. And 5:00 a.m., And Restoring To The Code The Off-Premises Consumption Regulation Allowing The Sale Of Alcoholic Beverages Until Midnight; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by Land Use & Development Committee)
(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Grieco to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. Second reading and Public Hearing scheduled for June 11, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Office of the City Attorney to handle.**

Pursuant to Section 2-13 of the City Code, motion was made by Commissioner Grieco to accept the Land Use and Development Committee's recommendation of this Ordinance; seconded by Commissioner Weithorn; Voice vote 7-0.

Ordinance approved on first reading without discussion.

4:07:08 p.m.

R5W An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II Entitled "Public Places," By Amending Division 2, Entitled "Bicycling, Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending The Definition Provisions In Section 70-66; By Amending Section 70-67, Entitled "Prohibited Activities," By Prohibiting Bicycling On Lincoln Road Mall Between 9:00 A.M. And 2:00 A.M.; By Amending Section 70-68, Entitled "Exemptions," By Amending And Clarifying The Exemptions In Division 2 And Correcting A Scrivener's Error Therein; By Amending Section 70-71, Entitled "Penalties," By Clarifying The Penalties For Violations Of Sections 70-67 And 70-69(A)-(C); By Amending Chapter 106 Of The Code Of The City Of Miami Beach, Entitled "Traffic And Vehicles," By Amending Article I, Entitled "In General," By Amending Section 106-3, Entitled "Vehicles And Non-Motorized Vehicles Prohibited On Portion Of Lincoln Road And Exemptions; Non-Motorized Vehicles For Hire Prohibited On Ocean Drive" To Include Bicycle Restrictions On Lincoln Road Mall And To Incorporate Applicable Definitions, Exemptions, And Penalties; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Transportation)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading with language as recommended.** Motion made by Commissioner Grieco to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. Second reading and Public Hearing scheduled for June 11, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Jose Gonzalez to handle.**

RECOMMENDATIONS:

- Remove last sentence of paragraph in Section 106-3(a) ...”and any city operated tram service.”
- Sec. 70-66, change the height from 24 to 20 inches

Commissioner Weithorn asked Legal if changes to the language had been made.

Raul Aguila, City Attorney, stated that there was an item change to Section 106-3 (a), deleting the language pertaining to any City operated tram service, since there is no longer one on Lincoln Road, to read: a person dismounted from and walking a bicycle.; ~~and any city operated tram service.~~

Commissioner Weithorn stated that the second amendment that they discussed doing is in reference to bicycles being 24 inches tall, which is not uncommon for petite individuals, and suggested changing to 20 inches.

Deborah Turner, First Assistant City Attorney, explained that Legal is researching the issue as to why the State placed the height limitation, and they want to ensure that there are no unintended consequences by changing the number.

Commissioner Weithorn requested changing the language between first and second reading and moved the item.

Discussion held regarding enforcement.

Commissioner Malakoff is happy to vote for this item, but added that unless there is immediate enforcement by the Police, it will not work. She stated that bike riders actually need to be told that they must get off their bikes and walk the bicycles to continue on Lincoln Road, otherwise, they should take another road.

Vice-Mayor Steinberg suggested having bike dismount signs on Lincoln Road.

Henry Stolar stated that he submitted copy of a letter to Commissioner Weithorn, whom he congratulated for taking this tremendous initiative, in which he included five suggested changes. He also distributed proposed legislative language for the entire ordinance. He did not understand what the issue is with children’s bicycles and scooters; the second issue is to expand the prohibition area eastward to include the block between Washington and Collins Avenues.

Commissioner Weithorn clarified that those blocks have vehicular street and the City cannot prohibit bicycles in this area and this is a complicated issue. She urged Mr. Stolar to speak to the Legal Department.

Discussion held.

Commissioner Grieco explained that there are State Statutes that have to be dealt with when prohibiting bicycles in these areas; this is strictly for the promenade mall. He asked the City Attorney if there is a distinction if one is on the cross streets, as he does not want any misinformation when enforcing the law.

Raul Aguila, City Attorney, explained that the ordinance was intended only to be applied to the pedestrian mall, and language will be clarified for second reading to eliminate any ambiguity.

Office of the City Attorney to handle.

City Clerk's Note:

Sec. 70-68. Exemptions.

(a) Police and code department bicycle, in-line skate, and electric personal assistive mobility device patrol units, vehicles, and motorized means of transportation; and city service and transit vehicles; city-contracted security and maintenance services vehicles; service vehicles authorized by the city for use by city lessors, concessionaires, or other city contractors operating pursuant to any agreement with the city; and a person dismounted from and walking a bicycle ~~and the any city-operated tram service~~, shall be exempt from the restrictions of this division.

Sec. 70-66. Definition, The term does not include such a vehicle with a seat height of no more than ~~25~~ 20 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.

Handouts or Reference Materials:

1. Revised language distributed by Legal Department, Page 3 of revised ordinance, Section 70-67 – 70-071.
3. Letter from Henry S. Stolar dated May 18, 2014 to Deede Weithorn, Commissioner, RE: Bicycle Ordinance.

3:13:52 p.m.

R5X An Ordinance Amending Chapter 10 Of The Miami Beach City Code, Entitled "Animals," By Amending Section 10-10, Entitled "Animals Prohibited In Public Parks And On Beaches" By Providing An Exception Thereto For Beaches Within Public Park Areas; By Amending Section 10-11, Entitled "Running At Large Prohibited," By Amending The Exceptions To The Running At Large Prohibitions To Allow Dogs In: A) The Designated Beach Area In North Shore Open Space Park Between 80th And 82nd Streets From 3:00 P.M. To 7:00 P.M. On Friday, Saturday, And Sunday, And B) An Area Of A Public Park, Or Beach Area Therein, Specifically Designated By The City Manager And During Such Days And Hours As May Be Specifically Designated By The City Manager; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Parks & Recreation)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Wolfson to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 7-0. Second reading and Public Hearing scheduled for **May 28, 2014 at 5:30 p.m. Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **John Rebar to handle.**

John Rebar, Parks and Recreation Director, stated that they held a very successful dog beach event on May 10, 2014. They had over 90 registered dogs, and the event was well received and well attended. He added that the item calls for two changes to the ordinance - one to allow dogs on the beach and to allow them off leash, so they can continue with a dog beach program. They are suggesting three days a week, Fridays, Saturdays and Sundays from 3:00 p.m. to 7:00 p.m.

Commissioner Malakoff stated that there are concerns regarding the quality of the water and asked if testing of the water is being done.

Mr. Rebar explained that he is working closely with Ms. Wheaton, Environmental Resources Manager, who is working with water quality testing.

Commissioner Weithorn stated that there were many emails received and although she is in favor of the item, she suggests deferring the item to June 11, 2014 Commission Meeting, in order to give the public a right to be heard.

Discussion held.

Mr. Rebar stated that the dog beach area cannot open until the ordinance is adopted.

Discussion was held.

Rafael E. Granado, City Clerk, explained that the item had been advertised as having a second reading public hearing on May 28, 2014 with a time certain.

There was consensus to approve on first reading.

4:15:34 p.m.

R5Y Accessory Structures, FPL Transformers, ADA Walkways and Height Encroachments
An Ordinance Amending Chapter 142, "Zoning Districts And Regulations," By Amending Article IV, "Supplementary District Regulations," Division 4 "Supplementary Yard Regulations," By Amending Section 142-1132, "Allowable Encroachments Within Required Yards", To Modify Setback Requirements And Development Regulations For Accessory Buildings And FPL Transformers In Single Family Districts, And Americans With Disabilities Act (ADA) Walkways; By Amending Chapter 142, "Zoning Districts And Regulations," By Amending Article IV, "Supplementary District Regulations," Division 5 "Height Regulations," By Amending Section 142-1161, "Height Regulations Exceptions", To Modify Height Exceptions To Add Bathrooms On Roof Decks Required Under The Building Code; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored By Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Grieco; Ballot vote: 6-0; Absent: Commissioner Tobin. Second reading and Public Hearing scheduled for June 11, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Thomas Mooney, Planning Director, explained that there are four major components to this ordinance; the first deals with revising the regulations for accessory structures at the rear single family homes and summarize all the major changes to the ordinance. The second component would create an allowable encroachment for FPL transformers in single-family districts. The third is to modify the ADA walkway encroachment allowance to be consistent with what is permitted under the Florida Building Code, and the last proposal would allow bathrooms to be allowable height exceptions outside of single-family district. They recommend approval of the item on first reading.

4:18:10 p.m.

R5Z Rooftop Additions in Morris Lapidus / Mid-20th Century Historic District
An Ordinance Amending Chapter 142, "Zoning Districts And Regulations," By Amending Article IV, "Supplementary District Regulations," Division 5 "Height Regulations," By Amending Section 142-1161, "Height Regulations Exceptions", By Modifying The Prohibition Of Rooftop Additions Of More Than One Story In The Morris Lapidus/Mid-20th Century Historic District To Allow Additional Stories; By Amending Chapter 142, "Zoning Districts And Regulations," By Amending Article II, "District Regulations," Division 3 "Residential Multifamily Districts," Subdivision V "RM-3 Residential Multifamily, High Intensity," By Amending Section 142-247, "Setback Requirements", By Modifying The Setback Requirements For Rooftop Additions In The Morris Lapidus/Mid-20th Century Historic District; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored By Commissioner Deede Weithorn)
(Legislative Tracking: Planning)

ACTION: Title of the Ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-0; Absent: Commissioner Tobin. Second reading and Public Hearing scheduled for June 11, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Thomas Mooney, Planning Director, stated that both Planning Board and the Historic Preservation Board have endorsed this ordinance, and it extends the manner in which rooftop additions are measured in the Collins waterfront historic district northward, to include the Morris Lapidus Mid Century Historic Local District.

Commissioner Weithorn stated that this is similar to what they have done with other districts and it is about being consistent. She moved the item.

R7 - Resolutions**4:20:44 p.m.**

R7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit A Grant Application To The US Department Of Justice For The Fiscal Year 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, For Funding In The Amount Of \$68,128 For The City's Police Department Priorities; Appropriating The Above Grant, Funding Request, Matching Funds, And City Expenses, If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To The Aforestated Application, Including, Without Limitation, Audits, And Authorizing The City Manager Or His Designee To Take All Necessary Actions Related To This Grant And Funding Request.

(Budget & Performance Improvement)

ACTION: Resolution 2014-28595 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Commissioner Wolfson. Patricia Walker to appropriate the funds. **John Woodruff and Judy Hoanshelt to handle.**

4:21:08 p.m.

R7B A Resolution Setting A Public Hearing To Adopt The Fifth Amendment To The Capital Budget For Fiscal Year (FY) 2013/14.

(Budget & Performance Improvement)

ACTION: Resolution 2014-28596 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Commissioner Wolfson. **Rafael E. Granado to notice.** Lilia Cardillo to place on the June 11, 2014 Commission Agenda if received. **John Woodruff to handle.**

John Woodruff, Budget Director, explained this item is to set the Public Hearing and when the item is prepared, the financial impact will be explained.

4:21:50 p.m.

R7C A Resolution Setting A Public Hearing To Adopt The Third Amendment To The General Fund, Enterprise Fund, Internal Service Fund, And Special Revenue Fund Budgets For Fiscal Year (FY) 2013/14.

(Budget & Performance Improvement)

ACTION: Resolution 2014-28597 adopted. Motion made by Commissioner Grieco; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Wolfson. **Rafael E. Granado to notice.** Lilia Cardillo to place on the June 11, 2014 Commission Agenda if received. **John Woodruff to handle.**

4:22:03 p.m.

R7D A Resolution Accepting The Recommendation Of The Land Use And Development Committee To Remove The Boardwalk And Replace With A Paver Pathway, With The Exception Of The Boardwalk Between 24 Street Through 29 Street, To Maintain Design Consistency And Uniformity Of The Beachwalk System.

(Environmental/Building)

ACTION: Resolution 2014-28598 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson. **Elizabeth Wheaton and Mariano Fernandez to handle.**

Commissioner Malakoff stated that there was a change in the wording, but she did not receive the corrected language. She added that it should say that it is going to be a paved pathway to maintain the design consistency and uniformity of the beachwalk; it could be raised in the areas where possible.

Thomas Mooney, Planning Director, explained that the Land Use Committee recommended something different from what was in the memorandum. He added that in speaking to Ms. Wheaton, the Department had done an analysis of the costs.

Elizabeth Wheaton, Environmental Resources Manager, read language into the record: "a resolution accepting the recommendation of the LUDC to remove the boardwalk and replace with an at-grade pathway using the natural topography, and in select areas, elevate the beachwalk with additional sand fill to provide ocean views, with the exception of the boardwalk between 24 Street to 29 Street to maintain design consistent and uniformity of the beachwalks."

Handouts or Reference Materials:

1. Email from Elizabeth Wheaton dated May 20, 2014, RE: Beachwalk Uniformity Item

4:24:30 p.m.

R7E A Resolution Authorizing A Loan In An Aggregate Principal Amount Not To Exceed \$60,000,000 Outstanding At Any Time From Wells Fargo Bank, National Association, To Pay Costs Of Capital Projects; Authorizing The Execution And Delivery Of A Loan Agreement And Promissory Notes To Evidence The Obligation Of The City To Repay Such Loan; Providing Security For The Repayment Of The Loan; Authorizing Other Actions In Connection With The Loan And The Financing Program; And Providing For An Effective Date.

(Finance Department)

ACTION: Resolution 2014-28599 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 7-0. **Patricia Walker to handle.**

Commissioner Weithorn explained that this is to be able to borrow money and advance projects, and it has been done in the past. She moved the item.

Patricia Walker, Chief Financial Officer, added that this is on an existing line of credit.

Handouts or Reference Materials:

1. Email from Luis Reiter dated May 19, 2014 RE: Miami Beach Lines of Credit.

3:08:50 p.m.

R7F A Resolution Establishing A Miami Beach Resident Substitute Teacher Pool For Nautilus Middle School, A Miami-Dade County Public School (M-DCPS), In The City Of Miami Beach, Florida, Which Will Provide Resident Substitute Teachers For Use By Nautilus Middle School For The Primary Purpose Of Supervising Students As Needed As Determined By The School Administration; And Provided Further That Resident Nautilus Middle School Substitute Teachers Will Receive A City Of Miami Beach Citywide Parking Permit.

(Organization Development Performance Initiatives)

ACTION: Resolution 2014-28600 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Commissioner Tobin. **Leslie Rosenfeld to handle.**

Dr. Leslie Rosenfeld, Learning Development Officer, stated that one of the issues that came out of the Focus Group the City conducted in March was the issue of lack of availability of substitute teachers and the continuity of instructions. This was also mentioned on April 1, 2014 when the Superintendent of Schools toured Nautilus Middle School as a significant issue. As a result, the City has developed for the Commission's consideration a Substitute Teacher Incentive Program, for City residents, and this would encourage eligible residents, through a Miami-Dade County Public School process, to apply to become substitute teachers, depending on their educational level. If they meet the qualifications and receive certification, they would then be able to submit their names to the principal of schools, at the principal's discretion these individuals would be considered as substitute teachers. The incentive offered, after substituting for six times, is to receive a Citywide-parking permit valid for three months. They hope the program assists the school administration in having substantial pool of available substitute that are Miami Beach residents, and allow the continuity of instruction desired by parents.

3:11:17 p.m.

R7G A Resolution Authorizing The City Manager To Execute A Memorandum Of Understanding With Florida International University In Miami-Dade County, To Provide Dual Enrollment Courses For College Credit For Students At Miami Beach Senior High School, A Miami-Dade County Public School In The City Of Miami Beach, Florida.

(Organization Development Performance Initiatives)

ACTION: Resolution 2014-28601 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Commissioner Wolfson. **Leslie Rosenfeld to handle.**

Dr. Leslie Rosenfeld, Chief Learning Development Officer, introduced Dr. Lubna Bowerman and explained that this item came at the request of the Committee for Quality Education. The Committee members noted that the dual enrollment classes currently available to Miami Beach Senior High School students was very limited in comparison to other high schools across Miami-Dade County. A dual enrollment class is a course that allows high school students to not only obtain high school credit, but college credit at the same time, and there is no cost to the parent. There is significant impact for the families and incentivizes the children striving to improve the level of education they are seeking to achieve, because they have the opportunity to earn college credit while in high school. As a result, they reached out to Florida International University, and they are hoping to incentivize Miami Beach residents who are eligible through FIU's process of credentialing, potential adjunct professors, to consider getting that certificate, so they can go and be selected by FIU and Miami Beach High School, to offer dual enrollment classes that are

needed and desired by the community and the students, thereby being able to accelerate and earn college credit while in high school.

4:20:14 p.m.

R7H A Resolution Setting A Public Hearing, As Required Pursuant To Section 82-504 Of The City Code, Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its March 29, 2014 Meeting To Place A Plaque Honoring Jerry Moss Inside The Flamingo Park Tennis Center With Said Public Hearing To Be Scheduled For The City Commission Meeting Of June 11, 2014.

(Parks & Recreation)

ACTION: Resolution 2014-28602 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Wolfson. **Rafael E. Granado to notice.** Lilia Cardillo to place on the June 11, 2014 Commission Agenda if received. **John Rebar to handle.**

4:24:55 p.m.

R7I A Resolution Calling For An August 26, 2014 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether The City Charter Should Be Amended To Delete The Provision Providing For Forfeiture Of Office If A Public Official Or Employee Willfully Violates The Citizens' Bill Of Rights.

(Office of the City Attorney)

ACTION: Item heard in conjunction with R7I, R7J, R7K, R7L, R7M, R7N, R7O and R7P. **Resolution R7I not adopted.**

CHARTER AMENDMENT ACTION SUMMARY:

Raul Aguila, City Attorney, explained that having met in the Committee of the Whole he has the following recommendations regarding the proposed Charter amendments for the August 26, 2014 Special Election.

R7I - This is the item calling for a Special Election to amend the provision regarding forfeiture of office in the Citizens Bill of Rights. The consensus is that they do not proceed with R7I. **Resolution not adopted.**

R7J - This is the item calling for an August 26, 2014 Special Election to amend the provision in the Charter regarding term limits of City elected officials. The consensus was to approve. **Resolution 2014-28603 adopted.**

R7K - Calling an August 26, 2014 Special Election amending the date the Vice-Mayor is initially selected. The consensus also was to approve. **Resolution 2014-28604 adopted**

R7L - Calling an August 26, 2014 Special Election to amend the procedure for filling up vacancies in the City Commission. This item was deferred to May 28, 2014, and in the meantime, they will work with Commissioner Wolfson on revising language on the ballot question and bring back for a vote at the May 28 Commission Meeting. Item deferred to the **May 28, 2014** Commission Meeting. Lilia Cardillo to place on the Commission Agenda. **Office of the City Attorney to handle.**

R7M - Calling for an August 26, 2014 Special Election to amend the provision to end the date for supplemental qualifying. The consensus was to approve. **Resolution 2014-28605 adopted.**

R7N - Calling for an August 26, 2014 Special Election to allow certain variance requested to be considered by the Historic Preservation Board and Design Review Board. This item was approved with the amendment that they keep the existing language with regard to the 5/7 vote in the ordinance, so the consensus was to approve as amended without that language. **Approved as amended. Resolution 2014-28606 adopted.**

R7O - Calling for an August 26, 2014 Special Election allowing the HPB and DRB members to perform limited lobbying. The consensus was not to approve item R7O. **Resolution not adopted.**

Commissioner Malakoff stated that there is one correction; it was not to allow all City board members to lobby. She believes it was just for the architect and land use.

Raul Aguila, City Attorney, clarified, for the record, that it was to allow HPB and DRB Board members that are architects and landscape architects, and the consensus was not to approve the amendment to Section 2-459.

R7P – Mr. Aguila, City Attorney, requested a motion on R7P authorizing the Canvassing Board for the August 26, 2014 Special Election.

Henry Stolar commented that in regards to item R7J, referring to page 711 of the agenda, he suggested inserting the words "a lifetime limit of," into lines one and two. The other issue concerns the Board of Adjustment, and he suggested that they keep the separate procedure or variance at the Board of Adjustment. He thinks they need to be very skeptical of the word "streamlining." He served on the Planning Board for six years and has heard over 350 or 400 cases. He does not have any sense that they are being obstructionists with developers in the City. He thinks these are reasonable hoops for people to go through, and he does not think it is burdensome. Development has continued on a great scale. The disadvantage is to the residents who have terrible burdens in opposing anything. On the item dealing with filling of vacancies, he encouraged the City Commission to consider a wide-open election rather than considering members of the City Commission.

- R7J A Resolution Calling For An August 26, 2014 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether City Charter Section 2.02 Governing In Relevant Part Term Limits Of City's Elected Officials Should Be Amended To Delete "Consecutive" Term Limits And Establish Instead Mayor's Three Two-Year Term Limit And Commissioner's Two Four-Year Term Limit, And Establish That Service By A Commission Member (Including Filling Of Vacancy On Commission) In Excess Of 50% Of A Term Shall Constitute A Full "Term" For Purposes Of Charter's Term Limit Provisions.
(Office of the City Attorney)

ACTION: Resolution 2014-28603 adopted. Item heard in conjunction with R7I. See action in R7I. Motion made by Commissioner Malakoff; seconded by Commissioner Wolfson to adopt the resolution; Voice vote: 7-0.

- R7K A Resolution Calling For An August 26, 2014 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether City Charter Section 2.04 Governing City Commission's Selection Of Vice-Mayor Should Be Amended To Change Dates By Which Vice-Mayor Is Selected And Provide Instead That The City Commission's Initial Selection Of Vice-Mayor Shall Occur At The First Commission Meeting Occurring After The General Election Or Occurring After The Runoff Election, If Held.
(Office of the City Attorney)

ACTION: Resolution 2014-28604 adopted. Item heard in conjunction with R7I. See action in R7I. Motion made by Commissioner Malakoff; seconded by Commissioner Tobin; Voice vote: 7-0.

- R7L A Resolution Calling For An August 26, 2014 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether City Charter Section 2.07 Which Establishes Procedures For The Filling Of Vacancies In The City Commission Should Be Amended To Establish Specific Procedures For The Filling Of Vacancy Caused By Resignation And To Provide That Provisions Related To A Special Election Called For Purposes Of Filling A Vacancy In The City Commission Shall Be Established In The City Resolution Calling Said Special Election.
(Office of the City Attorney)

ACTION: Item deferred. Item opened and continued to the May 28, 2014 Presentation & Award Commission Agenda by acclamation. Item heard in conjunction with R7I. See action in R7I. Lilia Cardillo to place on the May 28, 2014 Commission Agenda if received. **Office of the City Attorney to handle.**

Commissioner Weithorn stated that Vice-Mayor Steinberg requested deferring Item R7L.

RECOMMENDATION:

Item deferred to May 28, 2014

In the interim, Legal will work with Commissioner Wolfson to revise language.

- R7M A Resolution Calling For An August 26, 2014 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether City Charter Section 6.04 Governing "Vacancy In Candidacy" Should Be Amended To Provide That The Ending Date For Supplemental Qualifying Due To Fewer Than Two Candidates Remaining On A City Ballot Due To Death, Withdrawal Or Removal Of A Qualified Candidate After The Qualifying Period Has Ended Be Changed From 26 Days To 45 Days Prior To The Election Date.
(Office of the City Attorney)

ACTION: Resolution 2014-28605 adopted. Item heard in conjunction with R7I. See action in R7I. Motion made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice vote: 7-0.

- R7N A Resolution Calling For An August 26, 2014 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether The City Of Miami Beach's Related Special Acts Section 2 Regarding The City's Board Of Adjustment Should Be Amended To Except From The Board's Jurisdiction Those Variance Requests Specified As Part Of Applications For Development Approval Within The Jurisdiction Of The Design Review Board Or Historic Preservation Board, And To Change The Number Of Affirmative Votes Required For Board Of Adjustment Action From Five-Sevenths To Four-Sevenths?

(Office of the City Attorney)

ACTION: Resolution 2014-28606 adopted as amended. Item heard in conjunction with R7I. See action in R7I. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice vote: 7-0.

Amendment:

Keep existing language with regard to the 5/7 vote in the ordinance

- R7O A Resolution Calling For An August 26, 2014 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether City Code Section 2-459 Should Be Amended To Provide Further Limited Exemption To Allow Historic Preservation Board And Design Review Board Members Who Are Architects Or Landscape Architects To Lobby City Personnel And Agencies Except The Board On Which They Serve And Related City Staff, Regarding Applications For Development Approval.

(Office of the City Attorney)

ACTION: Resolution not adopted. Item heard in conjunction with R7I. See action in R7I.

4:27:31 p.m.

- R7P A Resolution Authorizing The Miami-Dade County Canvassing Board For The August 26, 2014 Countywide Primary Election To Serve As Canvassing Board For The City Of Miami Beach's August 26, 2014 Special Election.

(Office of the City Attorney)

ACTION: Resolution 2014-29607 adopted. Item heard in conjunction with R7I. See action in R7I. Motion made by Commissioner Weithorn; seconded by Commissioner Grieco; Voice vote: 7-0. **Rafael E. Granado and Office of the City Attorney to handle.**

4:34:37 p.m.

SUPPLEMENTAL MATERIAL 2: Memorandum and Resolution

R7Q A Resolution Setting A Public Hearing, To Consider Approving And Authorizing The Vacation Of 87th Terrace (Nasturtium Street Per Plat), A 50 Foot Road East Of Collins Avenue, As Shown On The Plat Of Altos Del Mar Subdivision Number 2, Recorded In Plat Book 4, Page 162, Of The Public Records Of Miami-Dade County, Containing Approximately 18,042 Square Feet (Total), In Favor Of 8701 Collins Development, LLC (The Applicant), And Waiving, By 5/7ths Vote, The Competitive Bidding Requirements, Pursuant To Article III, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City.
(Public Works)

ACTION: Resolution 2014-28608 adopted. Motion made by Commissioner Weithorn, seconded by Commissioner Grieco; Voice vote: 6-1. Opposed: Commissioner Tobin. **Rafael E. Granado to notice.** Lilia Cardillo to place on the June 11, 2014 and the July 23, 2014 Commission Agendas if received.

TO DO:

1. First reading will be on June 11, 2014
2. Second reading, public hearing, will be on July 23, 2014.

Clerk's Note: Item was not placed on the June 11, 2014 meeting by the Administration. First reading is scheduled for July 23, 2014.

Commissioner Tobin expressed his disapproval with the item stating that it is about a developer who wants to acquire City property, which Commissioner Tobin considers to be oceanfront. Typically, when the City sells or disposes oceanfront property, it would go to a referendum, but Commissioner Tobin points to a technicality being used that would allow the developer to purchase the property without a referendum, and he believes Miami Beach residents would not approve of the use of such a technicality in the transaction. He is concerned with the appraisal of the property. He believes the appraisal was greatly misjudged, and pointed out that the developer paid \$750 per foot, but yet the City's property was appraised at \$250 per foot. He is pushing for a referendum, and a fair market value for the community's real estate.

Discussion held.

Voice vote took place, 6-1; Commissioner Tobin was opposed.

R9 - New Business and Commission Requests**R9A Board And Committee Appointments.**
(City Clerk's Office)**ACTION:** The following changes and appointments were made:**AFFORDABLE HOUSING ADVISORY COMMITTEE:**

| | | | |
|---|------------------------|------------------------------------|-------------|
| Seth Feuer | Term ending 12/31/2014 | Appointed by Commissioner Grieco | TL 12/31/21 |
| Karen Fryd | Term ending 12/31/2015 | Appointed by Commissioner Malakoff | TL 12/31/21 |
| Jane Hayes | Term ending 12/31/2015 | Appointed by Commissioner Wolfson | TL 12/31/21 |
| Laurence Herrup (Employer within Jurisdiction) | Term ending 12/31/2015 | Appointed by City Commission | TL 12/31/15 |
| Susan Hollander (Real Estate Professional) | Term ending 12/31/2015 | Appointed by City Commission | TL 12/31/19 |
| Frank Kruszewski (Local Planning Agency) | Term ending 12/31/2014 | Appointed by City Commission | TL 12/31/19 |
| Mayela Mueller | Term ending 12/31/2014 | Appointed by Mayor Levine | TL 12/31/21 |
| Alexander Orlofsky | Term ending 12/31/2015 | Appointed by Vice-Mayor Steinberg | TL 12/31/21 |

COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH:

| | |
|-----------------------|--|
| Shelley Niceley Groff | Rep. of the PTA for MB Sr. High School 6/30/15 |
|-----------------------|--|

COMMITTEE ON THE HOMELESS:

| | | | |
|----------------------|------------------------|-----------------------------------|-------------|
| Rabbi Solomon Schiff | Term ending 12/31/2014 | Appointed by Vice-Mayor Steinberg | TL 12/31/21 |
|----------------------|------------------------|-----------------------------------|-------------|

DESIGN REVIEW BOARD:

| | |
|------------------|-----------------------|
| Vicent Filigenzi | Resigned may 21, 2014 |
|------------------|-----------------------|

MARINE AND WATERFRONT PROTECTION AUTHORITY:

| | | | |
|--------------------|------------------------|------------------------------------|-------------|
| William Cahill | Term ending 12/31/2014 | Appointed by Commissioner Tobin | TL 12/31/21 |
| Barbara Herskowitz | Term ending 12/31/2015 | Appointed by Vice-Mayor Steinberg | TL 12/31/21 |
| Dr. Ronald Shane | Term ending 12/31/2015 | Appointed by Commissioner Malakoff | TL 12/31/21 |

MIAMI BEACH HUMAN RIGHTS COMMITTEE:

| | |
|----------------|---------------------------------|
| Lisa Travaglia | Resigned effective May 19, 2014 |
|----------------|---------------------------------|

MIAMI BEACH SISTER CITIES PROGRAMS:

| | | | |
|--|------------------------|---------------------------|-------------|
| Kristen Rosen Gonzalez (Basel, Switzerland) | Term ending 12/31/2015 | Appointed by Mayor Levine | TL 12/31/21 |
| Faye Goldin (Other) | Term ending 12/31/2014 | Appointed by Mayor Levine | TL 12/31/21 |
| Jessica Londono (Other) | Term ending 12/31/2015 | Appointed by Mayor Levine | TL 12/31/21 |
| Lidia Resnick (Santa Marta, Columbia) | Term ending 12/31/2014 | Appointed by Mayor Levine | TL 12/31/21 |
| Debbie Robins (Altmonte, Spain) | Term ending 12/31/2015 | Appointed by Mayor Levine | TL 12/31/21 |
| Guy Simani (Rio de Janeiro, Brazil) | Term ending 12/31/2014 | Appointed by Mayor Levine | TL 12/31/21 |
| Howard Weiss (Other) | Term ending 12/31/2014 | Appointed by Mayor Levine | TL 12/31/21 |

PARKS AND RECREATIONAL FACILITIES BOARD:

| | | | |
|----------------------|-----------------------------|------------------------------------|-------------|
| Chris Growald Tennis | Term ending 12/31/2014 | Appointed by City Commission | TL 12/31/19 |
| Gail Williams | Resigned effective 5/8/2014 | | |
| Lee Zimmerman | Term ending 12/31/2015 | Appointed by Commissioner Malakoff | TL 12/31/21 |

SUSTAINABILITY COMMITTEE:

| | | | |
|-------------------|-------------------------------|------------------------------------|-------------|
| Michael DeFilippi | Term ending 12/31/2014 | Appointed by Commissioner Tobin | TL 12/31/21 |
| Cheryl Jacobs | Term ending 12/31/2014 | Appointed by Commissioner Malakoff | TL 12/31/21 |
| Luiz Rodrigues | Resigned effective 05/14/2014 | | |

5:48:10 p.m.

R9A1 Board And Committee Appointments - City Commission Appointments.
(City Clerk's Office)

ACTION: The following appointments were made:

AFFORDABLE HOUSING:

Susan Hollander – Real Estate Professional position

Frank Kruszewski – Local Planning agency position

Laurence Herrup – Employers within a jurisdiction position

The Affordable Housing appointments were made by Commissioner Wolfson and seconded by Commissioner Weithorn. Approved by acclamation.

PARKS AND RECREATIONAL FACILITIES BOARD:

TENNIS

Chris Growald was nominated by Commissioner Wolfson. Motion made by Commissioner Wolfson, seconded by Commissioner Weithorn. Approved by acclamation.

The remainder of the board vacancies will be placed on the June 11, 2014 Commission Agenda.

Handouts or Reference Materials:

1. City Commission At-Large Nominations for May 21, 2014 – Releases 1 and 2

8:35:51 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:35 a.m.)

ACTION: The following individuals spoke:

1. Josh Squire from Bike Patrol spoke regarding the benefits of Segways. They are good for tourism. Every major tourist destination has Segway tours nowadays, which are popular and fun. Prohibiting an activity that is popular makes no sense to Mr. Squire. In just two days, Mr. Squire collected 400 signatures in support of Segways.

Discussion held.

Mr. Squire added that 350 out of the 400 signatures collected were from residents of Miami Beach. People come to Miami Beach for vacation, and people visit the local bars to drink, but yet as popular as bars are, they are not being shut down due to the amounts of accidents and deaths caused by drunk driving. He also brought up the fact the cars are also not banned despite the dangers they can pose to pedestrians. Mr. Squire points out that he believes the City did a right thing in appointing a Transit Director, but he wants the Transit Director to do a study, and make some recommendations, and find a solution before banning Segways. In conclusion, Mr. Squire stated that Segways are safe and good for the environment, and dedicated bicycle paths would solve the problem as was done in cities such as Los Angeles and Vancouver.

Discussion held.

Commissioner Tobin stated that there is something to be said that if we substantially curtail business there may be a gentle way to make things safer, namely slowing Segways down, and making them safer for pedestrians.

2. Sheryl Gold, who lives in a local historic District and grew up in Miami Beach, wants to help in furthering the sustainability of the City, but she expressed her concern with a process that has failed. Last week the Community Church on Lincoln Road was split in two, so that a retail building could be constructed replacing the much valued open green space and will obstruct views of the historic building. She is upset the City did not consider other options, and that this proposal does not follow the Lincoln Road Master Plan, which she finds inconceivable. She blames the emotionally charged hearing that took the focus off the substantive issues and responsibilities of the Board. She agrees with the City Attorney that it was legal due process, but she disagrees that it was fair and reasonable due process. The City should level the field during such matters; otherwise, it is pointless for residents to go to such hearings. Open spaces in the historic areas are as important as the historic buildings. She hopes the City Manager will call for a rehearing. (See New Request Item on last page of the After Action).
3. Michael Gorey, President of the Alton Road Business Association, an association of business and landowners from South of Dade down to the South of Fifth area, asked that Alton Road be considered with the C4B Master Plan. He believes they have as much right as North Beach and other Districts to be involved in this discussion.
4. Brian Gallego, a resident of Miami Beach for over eight years, and a tour guide for Bike and Roll Miami, spoke in favor of Segway Tours. He commented that Segway tours are a great way to experience the City. He believes that Segways will help prevent tourists and pedestrians from getting into accidents.
5. Alberto Machado spoke about the big buildings between 26 and 29 streets that are blocking the boardwalk with construction materials; more specifically Rodney Plaza, and the 29, 30, and 32nd Street boardwalks. He is also upset at the bike rack at CVS being blocked.
6. Steven Sonnereich, President and CEO of Mt. Sinai Medical Center, spoke about a small change to the resolution discussed the previous day at the Finance Committee, and the change will allow them to negotiate in good faith with the administration relative to terms of the grant agreement for the Mt. Sinai building program that includes and Emergency Department expansion that has a cost of \$30 million.
7. Shawna Silvan is a Bike and Roll Tour guide. She came to explain a few safety procedures regarding Segways. They always require every person to wear a helmet, and each person receives training to ride the Segways. She emphasized how easy it is to ride a Segway, and that this is a great way to experience and learn about the City.
8. Tony Camejo is a Sight Manager on 10th Street. His job is to help tourists and locals to get on their Segways, and show them how easy they are to operate. He provides every customer with guidelines and safety measures, as well as pedestrian safety measures. Banning Segways would be a big mistake. They are starting an initiative to save the Segways in Miami Beach. Because of the Segways people feel more comfortable with Miami Beach, and visit places more often because of they know the location of everything.

Commissioner Malakoff asked whether their Segways have visible license plates. Mr. Camejo replied that they have room on their Segways if the City requires license plates in the future.

9. Elizabeth Van Dyke who works for Segway, Inc., would like to clarify some terms regarding electric powered vehicles. The vehicle being discussed is a personal transport by Segway. Segway is the name of the company, not a product. She wants the Commission to take into consideration the tours that are managed by the manufacturer. In regards to a license plate or registration code, the vehicle itself is governed by State and Federal laws, and not required to have a license plate, but they are willing and open for considerations. She brought with her all the documents regarding safety and operating measures of the personal transport.

1:02:32 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

ACTION: The following individuals spoke:

1. Stanley Shapiro gave a special appreciation to the man behind the booth (Jeffrey Singer) for the job he does. On Tuesday, he called four Miami-Dade Commissioners to let them know what he was going to say yesterday and today. Before he addresses the City Commission regarding the disgraceful Miami Beach Circular bus, he wanted to congratulate Assistant City Manager Joe Jimenez, as he is a credit to the City, and to City Manager Jimmy Morales. Mr. Shapiro addressed the Board of County Commissioners on this issue, and he is going to repeat what he said to them; he waited 47 minutes for a South Beach circular bus and feels that the following should be considered by the City Manager and his staff: he requested that the City Manager, in coordination with the City Attorney, cancel the contract with Miami-Dade County and the City's South Beach shuttle bus, which is a public disgrace that breaks from ten to 30 days per month. They lie to them by saying that only ten buses broke down a month or two ago. He does not like to be lied to. He requested that the City cancel the contract without a penalty, because they have not performed their job properly. With the trolleys, the drivers are courteous and wish everyone a good morning, but not with the circular buses. Therefore, he requested the City Manager and City Attorney to sit down with Mayor Gimenez, and the Director of Miami-Dade Transit and work out a situation to cancel the City's contract without losing money and take it over, and put the City's own RFP or RFQ for a circular bus.

Mayor Levine explained that they keep getting complaints about Miami-Dade County buses, and asked the City Manager what could be done if the City decided to offer its own transportation and provide better services to the residents.

Jimmy L. Morales, City Manager, stated that in order to get into a transportation business, the City would have to do it with the consent of and in coordination with Miami-Dade County, since it is their prerogative under County Code and State law. The bus ridership has gone down because more people are taking trolleys. If the City takes over the South Beach local bus service, the operational costs would be approximately seven figures. There are also some Federal issues, because there are laws about taking over currently unionized operations. It is not as simple as cancelling a contract. The issue can be explored and they can have conversations with the County to improve services to the local route and whether or not the City wants to completely take over the operation.

Discussion held regarding ridership, expanding the trolleys and the costs.

Kathie G. Brooks, Assistant City Manager, explained that the County pays for a portion of the costs, and the City pays out of the PTP funds. The County pays \$2.4 million for operating the buses.

Commissioner Tobin stated that last month he discussed with the City Manager essential services the County is required to pay, and there are certain things the County would have to pick up, as they are deemed essential services. In regards to County buses, it may be a good idea if members of the City Commission rode the buses and directly commented to Miami-Dade County to deliver better services. He thinks what happens is that the County provides buses but they require management to face the problems at the frontline. He stated that they should have some type of quality control.

Mr. Shapiro asked if Mayor Levine would ask staff whether the City of Miami Beach would be happy to run a circular bus, or would residents have to deal with the "slime" from Miami-Dade Transit.

Mayor Levine stated that this is a great idea and asked that a quality control program be set up, and for the City Manager to look into it to develop a mystery rider program with questionnaire to rate the bus system. Miami Beach pays a third of the cost for the buses, and there should be some quality control. **Jose Gonzalez to handle.**

Commissioner Tobin clarified that the City pays millions of dollars to the County for the bus services, but they have never checked them for quality control or give them any feedback; they have never required them to deliver great services; so before they decide otherwise, they will show them that they are falling short and try to push them in doing a better job.

Discussion held.

2. Jo Manning stated that she has never waited 47 minutes for a bus, but the biggest problem is the trip the bus makes to Belle Isle. If anyone gets on or off at that location, the length of the trip increases.
3. Sheryl Gold waited 37 minutes for a bus. She found the conditions filthy.
4. Alberto Machado reiterated the troubles with businesses blocking the boardwalks, and the issue he had with the bicycle rack. He also mentioned his displeasure with the bus service.
5. Sonia Navarro asked the Commission for possible incentives to reduce the amount of scooters and motorcycles that commute in the City.

4:43 08 p.m.

R9C Update On The Miami Beach Convention Center Project.
(City Manager's Office)

ACTION: Update given.

TO DO:

Advertise on the website the critical dates.

Jimmy L. Morales, City Manager, stated that the recommendation of the Finance and Citywide Projects Committee meeting would come to the City Commission next week, which was to work with the shows to see if they are willing to go into two halls, and if they are willing to work during construction with little or no P Lot available. On June 11, 2014, they will bring hotel options, locations, etc. The goal is to come to the July 23, 2014 City Commission meeting with approval for advertising for RFP, and the design build RFQ.

Commissioner Weithorn asked if the critical dates are on the website. Jimmy L. Morales, City Manager, stated that it would be. **Maria Hernandez to handle.**

4:45 00 p.m.

R9D Discussion Regarding The Creation Of A Six Month Task Force Using The Smile Program That Was Brought Forth By The Community Relations Board To Be Implemented By The Miami Beach Police Department.

(Requested By Commissioner Michael Grieco)
(Deferred from April 23, 2014)

ACTION: Discussion held. Item approved by acclamation. Item referred to the Police Citizens Relations Committee. **Deputy Chief John Buhrmaster to handle. Chief Buhrmaster to coordinate program with Barbara Montero.**

Barbara Montero stated that this program was started as part of the Community Relations Board, and the committee was sunsetted and it has been orphaned. She would like to see if a Task Force can be created to continue the program. MBTV shows the PSA, MBPD and Goodwill Ambassadors use the cards, and they have been getting great feedback. They think this is a worthwhile program that should be maintained for residents and tourists, and they are asking to continue and find a place where it can be continued.

Commissioner Weithorn stated that the task of the Community Relations Board that was eliminated should be moved to the Miami Beach Human Rights Committee.

Discussion continued.

Commissioner Tobin stated that he has known Ms. Montero and she is a great community activist, and if she is behind this project, they should task the City Manager with an implementation and an evaluation for this program.

Commissioner Grieco suggested that the item be referred to the Police Citizens Relations Board with direction from the Commission to include , instead of creating a task force. Motion approved by acclamation.

City Clerk's Note: The Miami Beach **s.m.i.l.e. PASS IT ON** program is a civility/kindness program developed by the City of Miami Beach Community Relations Board. s.m.i.l.e. is an acronym for service, manners, ideals, leadership and excellence. "A smile has the power to connect people with one another – it's contagious!" Mission Statement: 1) To build awareness of the importance of civility and its positive effects on the community. 2) To encourage kindness, courtesy and consideration – thus creating a positive image and a sense of community for the City of Miami Beach.

Handout or Reference Materials:

1. Miami Beach s.m.i.l.e. PASS IT ON brochure.

1:34:01 p.m.

R9F The Committee Of The Whole Workshop Regarding The Ad Hoc Charter Review Board's Charter Amendment Recommendations. **1:30 p.m. Workshop**
(City Clerk's Office)

ACTION: Workshop held. See actions with Item R7I.

Raul Aguila, City Attorney, stated that this meeting would be moved to the City Manager's Conference Room.

The Committee of the Whole Workshop commenced at approximately 1:35 p.m.

Raul Aguila stated that he was going to go over each of the recommendations made by the Ad Hoc Charter Review Board.

Stephen Zack, Chair of the Charter Review Board, spoke. Mr. Zack stated that the Charter Review Board had two goals: 1) Clear ambiguities and 2) make the Charter very simple and friendly.

Raul Aguila – explained item R7I. The genesis is that the County recently deleted this provision, which speaks to any public official or employee who has been found by a Court to willfully violate the Bill of Rights in the Charter. Said employee is to forfeit his/her office or employment. The County deleted the provision in 2010. The City would like to similarly delete and clean up the provision. The reasoning is twofold: 1) It is inconsistent with collective bargaining rights of certain bargain employees; and 2) it creates an ambiguity between this provision and the recall provision of State Law. Even after deleting this, there would still be appropriate remedies through either Court or censure via complaint by the Ethics Commission.

Mr. Zack states that said provision is a "bludgeon." There are ways of dealing with employees who have issues without removing them from office. This is far in excess of what is necessary.

Commissioner Tobin inquired if the County had put there question to referendum. Mr. Aguila responded that yes in 2012. Jean Ollin, City's Outside Counsel, stated that County voters approved the question by 83%. Commissioner Tobin inquired if the County question was written in such a simple fashion. Ms. Ollin responded in the affirmative.

City Attorney Aguila reminded the Commission that when questions are presented to the public, it is essential to have a Voters' Guide explaining these in layman's term.

Chair Zach, stated that he agrees with Commissioner Tobin, that if this questions does not need to be voted on, it should not be vote on.

Commissioner Tobin stated that if State Statutes preempt this, why is it necessary. Commissioner Tobin is concerned about the question overwhelmingly failing.

City Attorney Aguila stated that one does not necessarily have to delete it as to public officials.

Vice-Mayor Steinberg stated that she agreed with Mr. Aguila's last statement. If a public official takes such willful action, then they should be removed from office.

City Attorney Aguila stated that as to employees it should be corrected because of collective bargaining; as it is inconsistent with collective bargaining rights.

Commissioner Tobin gave the following example: Someone calls Mayor Levine's Office, and Mayor Levine does not answer the person's calls because he feels the person is harassing. Thereafter, the person files with a body, and that body rules that Mayor Levine was insensitive and thereby violated the Citizens' Bill of Rights. Does this mean that as a result Mayor Levine will be removed from office?

City Attorney Aguila explained that the person would have to file a Court action, and the Judge would have to make a determination that the violation was willful.

Mayor Levine stated that the way the question is written, you would vote not to get rid of it.

Commissioner Tobin inquired that if it is pre-empted by State Law, why do we have a need to vote for it.

City Attorney Aguila explained that the Office of the City Attorney is not necessarily saying at this time that it is preempted by State Law, but someone could make the argument that the recall provisions of State Law may preempted it. Mr. Aguila reiterated that they are recommending that the language be removed, and the Voters' Guide would explain the reasons why.

Mayor Levine stated that they all agree, but the way the question is posed, the public is going to vote "no."

Vice-Mayor Steinberg stated that she has a problem putting it on the ballot, because she believes a public official should be held to a higher standard.

City Attorney Aguila inquired if they wanted his office to tweak the ballot language. City Attorney Aguila stated that the issue is what other remedies are available.

Mayor Levine inquired if the question can be written in such a way, where a layperson would vote for it. Mayor Levine explained that right now, as he written, he would vote against it.

Chair Zack provided a possible fix: Should the City Charter be amended to "conform to State Law to delete the provision providing for forfeiture of office of public officials or employees?" That is a "yes" vote.

Commissioner Weithorn stated that Mr. Zack's example is much better; and if there is any ambiguity the City can go back to State Law and say this is what we had intended.

Jean Ollin, City's Outside Counsel, stated that if you limited to City employees and not the public officials because of the collective bargaining issue, that is accurate, but if you include the public officials, it is not accurate.

City Manager Jimmy L Morales stated that he just pulled online the County question of two years ago. The County question was, "Shall the Charter be amended to eliminate the provision providing for the forfeiture of office of a public official or officer who willfully violated the Citizens' Bill of Rights and allow in addition to suit in Circuit Court, the Commission on Ethics and Public Trust to enforce the Citizens' Bill of Rights, with penalties authorized by the Code." The City Manager added that at least this question gave the citizens an alternative.

Commissioner Wolfson stated that City should not be relegating its powers to the Commission on Ethics.

Jean Ollin, City's Outside Counsel, stated that the language in 2012 did two things, by the same exact language, it deleted the forfeiture provision and the County added an additional remedy.

City Manager Morales stated that possibly the voters approved the question because of the additional remedy.

Commissioner Tobin stated that the Manager makes a perfect point; at least the question offered an alternative.

Commissioner Malakoff added that we should direct the Office of the City Attorney to work with Mr. Zach to further refine the language.

Mayor Levine enquired what would happen if we did not put the question for a vote.

City Attorney Aguila explained that if it is not put in it stays in the Charter. The only concern that he has is not so much as to the issue with public officials, but as to employees. There is an inconsistency within classified employees bargaining rights.

The Mayor inquired of City Attorney Aguila how many problems we have had in the past on this issue. Mr. Aguila responded "zero." The Mayor then inquired if we are trying to fix a problem that does not exist.

Commissioner Weithorn commented that this is a solution in search of a problem.

The unanimous consensus was to take no action at this time.

TO DO:

Continue looking at possible alternatives/different language related to this matter. **Office of the City Attorney to handle.**

Commissioner Weithorn is concerned that certain types of employees, who have enforcement responsibilities, will be the target of unscrupulous individuals who target them under this Charter provision.

Raul Aguila – explained R7K. Raul Aguila, City Attorney, explained that this is cleanup language, and they are removing the 3-day requirement of the election of vice-mayor. This is because the City does not have the results of the General Election in time to fulfil this requirement. This is merely housekeeping.

Mayor Levine inquired if everyone was agreeable to this. The consensus was in the affirmative.

Raul Aguila – explained R7M. Raul Aguila, City Attorney, explained that this item is being brought up at the request of the Miami-Dade County Elections Department. If at the end of the qualifying period, you have fewer than two candidates due to illness, death, or withdrawals then you have a supplemental qualifying period, which is 5 days beginning on the first business day following the vacancy in candidacy. What the City had was that the qualifying period should end 26 prior to the date of the General Election. Right now, the County has told us that the 26 days is not enough time for them to prepare our ballot.

Commissioner Weithorn commented that again this was cleanup language based on the County's change in timing.

The consensus was to move this item forward.

Raul Aguila – explained R7J. The provision regarding term limit. This amends the City's current provision in the Charter to provide essentially a 14-year lifetime maximum for City elected offices. Two four-year terms for Commissioners; and three two-year terms for Mayor. The only exception is if you are elected or appointed to fill a vacancy, so long as that vacancy is less than 50% of the term. After the 14-year maximum, one cannot run again, but one can be appointed as long as the appointment is filling less than 50% of the term.

Commissioner Weithorn stated that one could only serve 8 years as a Commissioner.

Commissioner Wolfson stated that he was agreeable with the proposal.

Commissioner Grieco stated, that lets say that Commissioner Tobin fulfils his eight years as Commissioner, so therefore he is done for life. Raul Aguila, City Attorney, responded in the affirmative.

Commissioner Malakoff responded that in the scenario being posed by Commissioner Grieco, Commissioner Tobin could still run for Mayor. However, she added, if elected as Mayor, and he serves six years, he is done.

Raul Aguila confirmed that with this proposal, if passed, one could not sit out 2 years and run again, after one has reached their maximum; this is a 14-year lifetime maximum.

Mayor Levine stated that 14 years is enough.

Commissioner Wolfson stated that if you do 8 years as Commissioner, then you sit out, you cannot run again for Commissioner, but you can run for Mayor. Raul Aguila responded that Commissioner Wolfson was correct. Commissioner Wolfson clarified that if elected and one serves 6 years as Mayor, then they are done. Raul Aguila stated that Commissioner Wolfson was correct.

Commissioner Tobin asked City Attorney Aguila what happens if the voters disagree, and they want to reelected a term limited elected official.

Commissioner Malakoff stated that it could not be done if the Charter Amendment passes. However, right now, if one sits out, they can run again. She cited the example of Mayor Bower running for Commissioner in 2013.

Commissioner Wolfson asked City Attorney Aguila if this Charter Amendment would present someone who has already served at six years as Mayor and eight years as Commissioner from running in the future. Raul Aguila answered "yes," the only exception is if they are appointed or elected to fill a vacancy for less than 50% of the term.

Discussion continued.

The consensus was to move this item forward.

Raul Aguila explained the genesis for the Charter amendment: it is meant to reflect the City's interest in increasing voter participation, increasing citizen involvement in City government, and increasing the number of persons that will run for elective office.

Commissioner Tobin stated that the genesis was when Mayor Bower was going to run, he proposed this amendment but the City Charter Review Committee decided not to pursue it because Mayor Bower was not going to be able to run.

Commissioner Wolfson stated that Commissioner Tobin's statements were true, as this issue did not come up before the election.

Commissioner Weithorn stated that the citizens had the ultimate say, "they voted."

Commissioner Wolfson stated that the issue he had was the Charter Review Committee did not want to act on it because they perceived it to be political; however, in the alternative, one could say that it was in the heat of the problem and there could have been a resolution to the problem. It can be seen either way.

Raul Aguila, City Attorney, stated that he believes this Commission has established the policy that change is good and it is positive to encourage new blood.

Commissioner Wolfson stated that this proposal is good.

Raul Aguila – explained R7N. This item was put at the request of Commissioner Malakoff, and she is making a personal request that this item be placed on the August 26, 2014 ballot, so the latest that it could be adopted is May 28, 2014. This item amends the Charter to give the Design Review Board and the Historic Preservation Board the right to consider and grant variances. The other thing that it does is changes the voting requirements of the Board of Adjustment from 5/7 to 4/7 vote.

Commissioner Weithorn inquired on the 4/7 vote for a variance. She thought it was a 5/7 vote because the City wanted to have a higher burden to be approved. She understand the reasoning behind the 4/7 vote, as sometimes they have a quorum issue. Therefore, she was thinking to do it as a percentage instead of a 5/7 vote. Commissioner Weithorn reiterated that she understands why Commissioner Malakoff is suggesting the change, but at the same time, she believes that

variances should meet a higher level. She understand that there are times when they cannot act because there is no quorum, but when there is a quorum, she does not believe the voting requirement should be reduced.

Commissioner Grieco suggested that if you have seven people in attendance the voting requirement is five; and if you have six people in attendance it is four. Commissioner Weithorn stated that Commissioner Grieco's suggestion was acceptable to her.

Jean Olin, the City's Outside Counsel, stated that the problem with that is you have different voting requirements for the same type of relief.

Commissioner Weithorn inquired if a percentage was acceptable.

Jean Olin stated that the percentage was a problem. For instance, if she is an applicant on the day that happens to have fewer board members there, she needs fewer votes. If she is the applicant for the exact relief on the day that everyone is there, she needs more votes. That difference is going to subject the City to liability.

Commissioner Weithorn inquired why a percentage system, example 65% or more, would not work.

Commissioner Wolfson stated that percentages are tough because depending on the number of people present there are different vote requirements. Commissioner Wolfson inquired of Chair Zack if he has experiences with variances and how Cities treat them, and why having the legislative intent of having the high number for variances to protect the public from having the laws vary. Chair Zack stated that it is not consistent throughout municipalities as it depends on the philosophy of the elected officials. His personal philosophy is that it should be more difficult than less difficult; a variance should be a higher burden.

City Manager Morales in response to a Commissioner Wolfson's question, stated that if the solution is that you do not always have 5 people, then the percentage proposal works, he would recommend a greater than 60% to get you there.

Chair Zack warned of possible competitiveness, as applicants would calculate "today I need 5 votes," I will come back next time when I only need four votes.

Raul Aguila stated that he does not believe percentages work. The major intent of this provision was to streamline the process. If the Commission were concerned about the voting requirement, he would recommend leaving it at 5/7.

Vice-Mayor Steinberg stated that she is only comfortable at 5/7.

Commissioner Weithorn stated that she is in complete agreement with amending the Charter to give the Design Review Board and the Historic Preservation Board, the right to consider considering and granting variances, but what troubled her about the proposal was the lowering of the variance vote requirement. She has no problem transferring the authority. Commissioner Weithorn stated that if we have problems having board members attending meetings, they should be replaced. Commissioner Malakoff stated that they did change the number of absences; if the board member misses three meetings, they are removed.

The consensus was to move this item forward without changing the voting requirements.

Raul Aguila – explained R70. This is an amendment to the lobbyist laws. This is subject to Mayor Dermer's Charter provision that any less stringent requirements to the City's Ethics Laws require a Charter Amendment. What this does is create a limited exemption for architects and landscape architects who are members of the HPB and the DRB to lobby City officials and City staff, so long as they are not lobbying before their board or so long as they are not lobbying City employees that staff their board. The reason for creating the exemption is that historically the City has had a difficult time finding qualified architects and landscape architects that have been willing to serve on the boards that they or members of their firm appear before. Therefore, the change will not allow them to lobby before their own board, but they can lobby before the other boards, and they can submit applications. Because this is a less stringent requirement, it is required to be done via Charter amendment.

Commissioner Weithorn stated that in good economic times it becomes more difficult to find qualified architects and landscape architects to participate in these boards. She has lived through the ups, the downs, and now again the up economic cycle, and depending on the cycle, she has been able to see where they have had trouble attracting candidates. When the economic times are bad, they have no problem attracting architects and landscape architects; she does not want the City to preclude itself from getting talent in good times.

Vice-Mayor Steinberg stated that she has an issue with this particular amendment, so she will not be supporting it. She philosophically cannot get behind it, as it is part of Ethics Legislation that she does not feel comfortable weakening. It is incumbent upon them as Commissioners to appoint the right people to these boards, and she points out that they do not have a vacancy right now. They are the "get it done" Commission and they have done a good job appointing people; and they are finding people to serve on these boards.

Commissioner Wolfson agrees with Vice-Mayor Steinberg. Vice-Mayor Steinberg is correct that there was ineptitude in the past filling these boards; what would happen was the Commission review the Clerk's Memorandum showing that there was Committee openings, and they would never be filled. He is not ready to admit that it was the problem of the composition of the Committees. His concern too is that if you have an architect, or a landscape architect that is on a committee and is dealing every day with the Planning Director, and he is every day in the Planning Department getting approvals, it is going to be a great deal easier for this board member to get his job done than it would be for someone in the outside that does not know anyone; that is an unfair advantage; that person would get more business because of it and it goes against why we have this provision.

Mayor Levine inquired if there was a compromise.

Commissioner Wolfson stated that if there were a compromise he would consider it.

Commissioner Malakoff stated that there are some top architects who have expressed their interest in serving on the Historic Preservation and Design Review Boards, and the City could have the advantage of their great talent. However they may have occasional jobs in Miami Beach, for example Zaha Hadid, who has one project, if she lived in Miami Beach, and if she agreed to be on these Boards, she would want to have the ability to be allowed to have her one project on Miami Beach and still serve.

Commissioner Wolfson suggested putting a restriction on the number of projects, for example less than three projects. Mayor Levine agreed with Commissioner Wolfson's suggestion.

Commissioner Weithorn inquired if it was not up to the elected body to check and say this person does too much business with the City and they are an inappropriate candidate. Just because we are allowed to do it, does not mean that as reasonable people they do not have to think it through.

Commissioner Grieco stated that we are not worried about the current elected officials, but we must plan for those elected – for instance ten years down the line.

Commissioner Weithorn stated that there has been times when the Commission has to “recycle” people because there were no other applicants.

Chair Zack suggested establishing an advisory board of architects and other prominent people, and that advisory board that is not a voting board can do advising.

Commissioner Malakoff responded that people would not take the time to do it. Mayor Levine also added that the City is trying to reduce the number of boards, as there is not enough staff.

City Manager Morales stated that there is a concept in conflict law that says that if you have a recurring conflict, that you bundle them all together and one should then not serve; maybe what can be done is cap the number of conflicts in a given year. Commissioner Malakoff suggested if a member has two conflicts during their term they would be removed. Commissioner Weithorn stated that it should be two issues, not two conflicts, as one can have the same issue come up multiple times.

Commissioner Wolfson suggested not barring their firm from coming before a board. Therefore, you have a landscape architecture or architecture firm, and allow the members of the firm to still participate before these boards. On an individual project in which the architect is involved in, the member should still bar himself.

Raul Aguila stated that Commissioner Wolfson was proposing a compromise. Commissioner Weithorn added that it was a good compromise.

Commissioner Wolfson cleared up that he was just making a proposal, but he does not know if he would support it. To Commissioner Wolfson, the fact that a firm member of a board member can lobby, it may give an unfair advantage to the person, as most likely the named partner would be serving on the board.

Vice-Mayor Steinberg stated that she likes the existing laws/requirements on the issues.

Commissioner Wolfson clarified that what is in front of them today would allow the board member or a member of that person’s firm to lobby staff. Commissioner Wolfson added that he does not think it is appropriate as they both cause undue influence.

Commissioner Malakoff pointed out that the board member or firm partner would be lobbying a different board, not the one the member sits on.

Commissioner Wolfson responded that it is the same staff that would be lobbied.

Commissioner Grieco stated that if one is on a board, you are part of the machine and if you are part of the machine, you have access to certain parts of the machine that someone who is not a member of the board would not have access.

Mayor Levine expressed that there was no consensus on the issue.

Commissioner Tobin stated that he understands the reasons behind the proposal because we have had trouble in the past getting qualified people.

Commissioner Weithorn stated that it is not only qualified candidates they are seeking to attract, but also to increase the caliber of individuals that wish to serve on these boards and to allow us to have a diverse pool of candidate. Commissioner Weithorn added that every time you pass something you have unintended consequences, and the unintended consequence of this is that it shrunk the pool of whom the Commission had to choose. The question is, if we open the pool up, we will have to stomach some conflict issues.

Commissioner Tobin stated that he understand why Commissioner Malakoff wants to do this. He has seen people walk off the dais for conflicts, for example go to the bathroom. He has heard of people opening up title companies getting a salary from the title company rather than being a principle in the title company, in order to stay on certain boards and vote. There are so many tricks and ways to get around this.

Commissioner Weithorn stated that as a result, we punish those who are legitimate.

Commissioner Tobin commented that if you are on a board you have access to staff; staff answers your telephone calls. One cannot have a compromise; if you want to pay architects to sit on these boards, then you will have a slew of architects because they would be paid to sit on the boards. Commissioner Tobin added that he would rather pay than compromise ethics.

Commissioners Malakoff and Weithorn disagreed with Commissioner Tobin's recommendation.

Commissioner Tobin inquired what they wanted to accomplish. If it is attracting the highest caliber people, then we should pay for it.

Commissioner Malakoff commented that we do not pay any of our board members.

Commissioner Malakoff stated that the objective is to get the best people who are interested in the design and architecture of the buildings in the City of Miami Beach.

Commissioner Tobin stated that the way to accomplish that objective is to hire someone; but instead the City wants a volunteer.

The Mayor added that if were to hire we would offer a stipend, \$500 to each member, how does that change the fact that qualified people still cannot serve.

Commissioner Grieco added that the conflicts usually represent multimillion dollars, so a \$500 stipend is not going to be attractive.

The Mayor agreed with Commissioner Grieco, and explained that people would still not be able to serve, even if they were being paid.

Mayor Levine stated that there is no consensus of the item, and they should move on.

Chair Zack stated that setting up an advisory board is a middle ground, that would not create conflicts, and he suggested letting the Ad Hoc Charter Review Board look at that issue.

Raul Aguila – explained R7L. This is one brought by the Office of the City Attorney, and it is an amendment to Section 2.07 of the Charter dealing with filling vacancies due to resignations. The most historic example is when a Commissioner resigns to run for office, whether it is State Representative, Judge, County Commissioner, Governor or some of other seat in the Legislature. What this does is that it changes the trigger as to when the City Commission can fill the vacancy through appointment or to call an election. It changes the trigger from the time the elected official leaves office to the time the elected official submits their letter of resignation. The reason it does this is so if the City has to fill a vacancy through election, we can be in most cases get in the General Election Ballot. The way it has been interpreted historically is that you cannot fill the vacancy until 30 days after the effective date of resignation date, and if not filled call an election. What is being proposed is moving the trigger date earlier.

Commissioner Wolfson added that when the person issued the resignation letter for instance, to run for State Representative, and it is on an even year, the law says that the date of resignation is the date that they choose in the letter, not the date of the letter. Therefore, if they say November 6, the date of the election, as their resignation date, then the City cannot hold an election, until you start to go through the process.

Commissioner Weithorn asked if this item could be discussed further next month. Commissioner Weithorn stated that she was agreeable that this item may be in the November ballot.

Commissioner Weithorn stated that she had an issue that is Pension Related that she is working with Kathie G. Brooks, Assistant City Manager; essentially, she does not want future Commissions to be able to give additional pension benefits when we are seriously underfunded. It is not ready yet, because we have to get an opinion from labor counsel on this. She believes that if such a question was put forth to the electorate it would pass overwhelmingly. Commissioner Weithorn inquired of her colleagues when they would have an opportunity to work on such a question.

City Attorney Raul Aguila inquired if all the ones they have discussed so far, do they want them all to be on the August ballot?

Commissioner Wolfson stated that we were not done discussing the vacancy question.

Vice-Mayor Steinberg stated that way the vacancy question written, and the way she read it as a layperson, she felt that there was some information that needed to be included. She feels that whenever possible we should have an election, but according to this language, as written, the Commission has 30 days to make an appointment, and if one cannot be determined, then it goes to an election. However, the question, as written does not mention anything about an appointment. Therefore, the Office of the City Attorney has worked on a redraft to make it so that it mirrors the objective. Vice-Mayor Steinberg commented that she had additional suggestion to make the question even clearer.

Commissioner Malakoff suggested discussing this further on May 28, 2014.

Raul Aguila stated that the only issue with having another set of Elections in November 2014 is cost. If we have one ballot on for August, where we have one question or all of them, the cost is the same. If we move something to November, and that is a policy matter, then there will be additional cost.

Commissioner Wolfson inquired if the Ad Hoc Charter Review Board had brought this item as an issue. Mr. Zack that this was brought to the Ad Hoc Charter by the Office of the City Attorney.

Commissioner Wolfson explained that this item was relatively clear, but it had been misinterpreted by the Office of the City Attorney in the past.

The consensus was to defer this item.

Mr. Aguila explained that the reason for this clarification is that there is an ambiguity in the language. The reason this language is being proposed is to clarify and remove the ambiguity.

Commissioner Wolfson added that this was brought up by the Office of the City Attorney to try to clean up something, to say there was ambiguity when in actuality there was no ambiguity.

City Attorney Aguila, requested for Vice-Mayor Steinberg to work with the Office of the City Attorney on this language.

Commissioner Wolfson stated that he wanted to work on the language.

Consensus was to bring this item back on May 28, 2014, to the Presentations and Awards Meeting, for further discussion.

City Attorney Aguila stated that the last regularly scheduled meeting to adopt questions for the August 26, 2014 Primary Election is May 28, 2014. To put a ballot question in the General Election on November 4, 2014, the last regularly scheduled meeting to adopt questions for the General Election is July 23, 2014.

Commissioner Weithorn inquired how her colleagues felt about placing a ballot question limiting future Commissioner from increasing pension until the Commission cleans up the unfunded pension liability.

Mayor Levine and Commissioner Wolfson stated that he liked the idea.

Commissioner Weithorn stated that the pension issue is worth another election in November. Commissioner Weithorn thinks it is critical.

Workshop concluded at approximately 2:38 p.m.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 890, published May 11 2014.

4:53:29 p.m.

R9G Discussion Regarding Hosting The July 4th Celebration In North Beach.
(Sponsored By Mayor Philip Levine)
(Legislative Tracking: Tourism, Culture & Economic Development)

ACTION: Item adopted by acclamation.

Discussion was held regarding celebrating the Fourth of July in North Beach. All Commissioners were enthusiastic about the idea and agreed by acclamation. **Max Sklar and John Rebar to handle.**

SUPPLEMENTAL MATERIAL 1: Corrected Memorandum & Resolution

SUPPLEMENTAL MATERIAL 2: Revised Resolution

SUPPLEMENTAL MATERIAL 3: Revised Resolution

3:18:57 p.m.

R9H A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida (The "City") Approving And Authorizing The Manager To Take The Following Actions, Subject To And Conditioned Upon The Successful Negotiation Between The City And Mount Sinai Medical Center Of Florida, Inc. ("Mount Sinai") Of The Grant Agreement And Lease Agreement (Both As Hereinafter Defined): 1) Authorizing A Grant Contribution To Mount Sinai, In An Amount Between \$15,000,000 And \$18,750,000 (The "Grant Contribution"), Payable Over A Term Of 15 Years, For The Sole Purpose Of Reimbursing Mount Sinai For Costs Associated With Mount Sinai's Emergency Room Expansion Project (The "Project"); 2) Covenanting To Annually Budget And Appropriate Funds From Legally Available Non-Ad Valorem Revenues To Pay Such Grant Contribution; 3) Delegating Authority To The City Manager To Negotiate The Final Terms Of The Grant Contribution Agreement With Mount Sinai ("Grant Agreement"); 4) Also Delegating Authority To The City Manager To Negotiate A Lease Agreement With Mount Sinai For The City's Emergency Management Office, With Such Leased Premises Having Up To 2,000 Square Feet, To Be Located In The New Emergency Room Facility, For A Term Of 30 Years And \$1 Per Year Rent ("Lease Agreement"); And 5) Further Directing The Mayor And City Clerk To Execute The Grant Agreement And Lease Agreement Upon Conclusion Of Successful Negotiations.

(Requested by Commissioner Deede Weithorn)

ACTION: Discussion held. Resolution referred to the **May 28, 2014** Presentation & Awards Commission Meeting for public hearing. Approved by acclamation. Lilia Cardillo to place on the Commission Agenda when received. **Patricia Walker to handle.**

RECOMMENDATIONS:

- Conduct a fiscal impact, including an in-depth analysis and the impact on future budgets.
- Administration to provide statistics on how that impacts the City's budget on a yearly basis.
- Include assessment in writing that the City can do this and is this doable for 15 years.
- Provide a history of cash on hand.
- Include covenant in the agreement that Mount Sinai will anticipate the cash on hand will not be outside the range from what has been seen in the past and make it subject to negotiations.
- Advertise a formal public hearing, where public is notified for people to have the opportunity to comment. **(City Clerk's Office to handle.)**
- Provide a list any additional public benefit, and see if additional public benefits can be negotiated.

Steve Sonnereich, President and CEO, Mt. Sinai Medical Center, (MSMC) stated that this is a historic time for the future of healthcare in Miami Beach for the residential and tourist communities, as they embark about the rebuilding of Mount Sinai's Medical Center facilities, that are now more than 50 years old. Residents, tourists and businesses depend and rely day in and day out on Mount Sinai, as they do with the Fire and Police Departments. Mount Sinai is truly part of the public safety net of this community. They will deploy approximately \$205 million to build 12 new state of the art operating rooms, 150 private bedroom tower, a state of the art Emergency Department to include an area for the City's emergency Management Department. MSMC Emergency Department was built in 1972 when there were four hospitals on Miami Beach, and this was a much different community. One out of four Miami Beach residents is without insurance coverage. They have a world-class teaching hospital, the best heart attack survival rates in the entire State, an excellent stroke center and the best mortality and morbidity statistics for cardiac surgery in Florida. This grant is an extraordinary heavy lift to rebuild the hospital for the next 50 years, during the most tumultuous time in healthcare. A potential grant from the City will assist them in quality healthcare for the entire community and they look forward to working with the team. They are offering a minor adjustment to the proposed resolution and they would appreciate their vote on that today.

Commissioner Weithorn explained that this was discussed at Finance & Citywide Projects Committee yesterday, and she agreed that this is a significant change for MSMC. They passed a resolution yesterday with negotiation to be done by the City Manager. The fact that Mount Sinai has proffered does not change the essence of what was discussed at Committee, and she offered that they look at it.

Mayor Levine added that they cannot be a great City without an unbelievable medical center in the City, and specifically when it comes to an emergency room. The community knows that this is needed. They are going to spend half billion dollars on a new Convention Center, and the City must be able to handle the amount of tourists and residents that need emergency medical services, and a great center right here on the island, so this is something that they need to move forward with, and specifically on the details they should have a discussion.

Commissioner Wolfson asked that since it is a large sum of money, they need a formal public hearing, where the public is notified and where the hearing is advertised formally, in order for people to have the opportunity to comment, as it taxpayers dollars. He asked if they have a problem with that. **(Rafael E. Granado to advertise.)**

Steve Sonnereich, President and CEO, Mt. Sinai Medical Center, stated that they have a bond issue coming up and they will be meetings with bond rating agencies in the upcoming days. His ability to be able to tell the bond rating agencies before they go to market that there is a commitment from the City is very important.

Commissioner Wolfson also had a question related to audit and how the money is spent specifically. They are being told that this is for an emergency room project, and he anticipates that they would require an audit on how the money is going to be distributed and what for.

Commissioner Weithorn stated that this is part of the agreement since MSMC is an audited entity; she suggested doing a covenant in their agreement, which states that they must affirmably represent to the City that it is used as an emergency room.

Commissioner Wolfson additionally suggested a necessary discussion on how much cash on hand the hospital has, and to what extent is the City's involvement, as this is a very large investment.

Discussion held regarding auditing.

Commissioner Weithorn suggested doing a history of cash on hand, and if desired, they can do a covenant with the agreement that they anticipate the number will not be outside the range from what has been seen in the past. **They asked the City Manager to negotiate the agreement, and the City Attorney has requested this be made subject to negotiations.**

Commissioner Wolfson asked Mr. Morales if he has an opinion as to the period of time that the City has to pay the money.

Jimmy L. Morales, City Manager, stated that the longer the period the better, as the City operates on a balance budget. The original request was done for three years or five years, but he was not comfortable recommending that to the Commission; the City in return asked for 30 years. The compromise would be 15, but 30 years is better from the Manager's perspective. Anything shorter than that would be more difficult.

Commissioner Wolfson explained that a fiscal impact study is required; they need to do a more in-depth analysis and the impact in future budget. He requested from the Administration statistics on how that affects the City's bottom line on a yearly basis, and have an assessment in writing that the City can do this and is this doable for 15 years. He added that in the negotiations, MSMC needs to spell out as clearly as possible what the public benefit is, and see if there is additional public benefit to be negotiated.

Mayor Levine explained that the City Manager would negotiate the agreement and the public benefits. He feels is an obligation to the City to provide back to the areas, such as MSMC, that make the City great.

Commissioner Malakoff explained that as a resident and as a taxpayer, and speaking on behalf of taxpayers, they really want quality medical care in the community, and it is urgent. This new wing and the emergency are both essential for having quality medicine in Miami Beach.

Commissioner Weithorn stated that this was a discussion item and was not completely noticed today to see if they had consensus. She suggested moving the item forward to the May 28, 2014 Presentation and Award Commission Meeting.

Discussion held regarding advertisement.

Rafael E. Granado, City Clerk, stated that the public hearing will be advertised this weekend at a time certain of 5:45 p.m. Item to be brought back at the May 28, 2014 Presentation and Awards Commission Meeting. **City Clerk's Note:** Ad 899 to advertise Friday, May 23, 2014 in the Main Section.

Discussion continued regarding notifying the public and advertising.

4:54:42 p.m.

R9I Discussion And Update On The City Of Miami Beach Website, App And Accessibility For Apple And Mobile Devices.

(Requested by Vice-Mayor Micky Steinberg)

ACTION: Discussion held.

Ariel Sosa, IT Director, stated that one of the items Vice-Mayor Steinberg brought to their attention, is replacement of Silverlight as a technology that they are using on the internet on the City's website, which would not allow Android and iPhone devices to see Commission Meetings live. This has been replaced and updated with a new technology to allow this.

Vice-Mayor Steinberg met with Mark Taxis, Assistant City Manager, and Ariel Sosa to discuss improving the City's website and make it more user friendly. The IT Department worked diligently and the public is now able to access any meetings from any device. They are also working on improvements for a faster method to search and find.

Mark Taxis, Assistant City Manager, gave a status update on the City's App. The main component of the App they are working on is a replacement of the 311 system, which is called Report IT. The issue was the staff's ability to find the problem and follow through. They have a much more robust App that will be completed by June 1. They expect to launch to residents by June 11, which will allow people to report problems, take photos, and as soon as they send in a concern, an email will instantly be sent back if registered. It will also automatically generate an email when the concern has been addressed. They will have transparency and tracking, they will have information on the Commission and the departments; they will have a calendar of events for residents to have better access to the governments; there will be a GIS tracking and trolley tracker on the App; and this is just the beginning as they have more plans.

3:39:33 p.m.

R9J Discussion Regarding Committee For Quality Education Motions Made February And March 2014 Regarding Extended Foreign Language (EFL) Program In Miami-Dade Public Schools.

(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. Item to be brought back to the June 11, 2014 Commission Meeting with recommendations from the School Board. Lilia Cardillo to place on the Commission Agenda if received. **Leslie Rosenfeld to handle.**

RECOMMENDATIONS:

- Bring back to the June 11, 2014 Commission meeting with recommendations and ideas on how to accomplish the goal of attracting more certified EFL teachers Citywide.
- Collaborate with the School Board and work efficiently.
- Implement an incentive program to attract EFL certified teachers.

Dr. Leslie Rosenfeld, Chief Learning Development Officer, explained that the item has been discussed at the Committee for Quality Education (QEC) over the past few months. The extended foreign language program is a program that the Superintendent is advocating for, and from the information that they received in the Committee and it is a fabulous idea. What it does is that it allows the children to learn Spanish while they are in their regular classroom, by a teacher who has been certified by the Principal to teach the content in both English and Spanish. The concerns that have come out of the discussions with Miami-Dade County Public Schools

regarding this extended foreign language program, have to do with, first of all awareness to the entire community. The way the program is rolled out is beginning in Kindergarten, First grade and Second grade, and if the entire community is not aware, they may not have an opportunity to opt in, especially the families whose children are attending private schools, and that are under the age of five, who are then transitioning into the public school arena and are not aware that the program exists. The second issue is the access component, because only teachers who are fluent in the language can actually be certified to teach ESL extended foreign language class, in which case there are limitations based on the faculty in the actual schools. This is a concern of the Committee for Quality Education, because they embraced the concept, but the concerns do impact the entire community for those community members who are currently not in public school and may not be aware, that if they do not opt in when they first enter in kindergarten or first grade, there is no option in the future to opt in.

Discussion held regarding the limiting access.

Commissioner Malakoff explained that in North Beach is first come, first serve, at another time it was a lottery number, and it is difficult, and is in demand and is so important in the community. She asked if there is anything that they can do to attract more bilingual teachers to the Miami Beach schools.

Discussion held.

Iraida Mendez-Cartaya Assistant Superintendent, Intergovernmental Affairs, Grants Administration, and Community Engagement for Miami-Dade County Public Schools, explained that currently the School District has an EFL program in K-1, and second, and in 2015/2016 it will roll out to 3rd Grade. The biggest challenge is ensuring that there are certified teachers on the particular subject/curriculum matter who also speak and can teach in Spanish. It is a challenge for the District to find certified teachers that would be able to teach. At the last meeting with QEC, they talked about the possibility of collaborating with the City and the City developing some type of incentive program to attract teachers to the City and to certain City schools, so there is an opportunity for partnership in this area should the City be interested to do so.

Discussion continued.

Jill Swartz, QEC member, stated not every incoming kindergarten student is in the program at North Beach Elementary. Many entering kindergarten parents do not know that June 6 is the deadline to enroll your child into the lottery for the EFL program. It has been the recommendation of the QEC to make this deadline and the information available to every resident of the City of Miami Beach, that would include uploading to the City's website or email blast, because they do not know how many teachers they need to engage or how much they need to incentivize it if there are not a lot of applicants. If there are many applicants, many will not be selected in the lottery, but at least it will tell them how many residents are interested in this program. It would be a disservice if they did not let everybody know that the deadline is June 6, and the thing is if you do not get in at kindergarten getting in during first, second, or third grade is extremely problematic. **Dr. Leslie Rosenfeld to handle and Nannette Rodriguez to handle the publicity and notification.**

Commissioner Tobin stated that every child that goes to elementary school in Miami Beach should have the opportunity to be bilingual and have the extended foreign language if they want it at a minimum in this County. There are schools in Miami-Dade County where they teach in a foreign language. He asked how that goal could be obtained.

Ms. Mendez-Cartaya explained that as far as marketing the program, the District has made it available on the District website. Staff has gone out to daycare centers and they welcome the City's partnership in getting the word out to the residents, perhaps in the newsletters or even on the TV channel about the opportunity of EFL and that the deadline is June 6. It is still a lottery. The programs that Commissioner Tobin has discussed, in many cases there are partnerships with other countries, there is a cost associated with that and the issue comes up with the shortage of certified teachers to be able to teach that foreign language. That is probably the largest challenge in being able to access and finding those certified teachers. They can explore through partnership and additional programming with other countries. The City is a mecca for tourism and maybe they can collectively work to attract a country to come in and their embassy to provide services to residents and schools.

Discussion continued regarding hiring teachers to teach Spanish.

Jimmy Morales, City Manager, explained that while this is a community with a large Hispanic population, the number of people that are truly able to speak Spanish at a professional business level is surprisingly small.

Commissioner Weithorn suggested assisting in the certification to attract the right kind of people; they need to think outside the box, and suggested collaborating with the School Board and work together to be efficient.

Jimmy L. Morales, City Manager, will be happy to work together to put an incentive program.

Sally Alian spoke and discussion continued.

Commissioner Wolfson supports the idea that the students in Nautilus that would like to learn a second language have the opportunity to do so.

Commissioner Malakoff asked that if they cannot get completely bilingual programs, could they at least have something able to teach the Spanish part as a Spanish teacher.

Mendez-Cartaya stated that the District has taken a policy on phasing out where a teacher will teach a certain amount of minutes per week in Spanish to the children, and move to the program of EFL where students are immersed in other foreign language that they are expected to learn. They have found that this is a more effective methodology of educating kids so that they are fluent when they finish; that is the ultimate goal.

Discussion continued.

Mayor Levine suggested that when they come back to the meeting on June 11, the School Board give recommendations and ideas on how to get to that goal and make it Citywide.

4:58:40 p.m.

R9K Discussion Regarding Police And Code Placement Of Dye Tablets Into The Moored Vessels As Part Of The Marine Sanitation Program.

(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held.

TO DO:

- Office of the City Attorney to forward memo dated 2010 in reference to the Dye Pack program to Commissioner Tobin.
- City Manager meeting with Police and Code to develop a comprehensive approach to resolve this problem with the anchored boats.
- City Manager will update the research that was done in 2010.

Commissioner Tobin stated that for a long time residents have been complaining about vessels moored behind their properties for long periods of time. He spoke with representatives from Florida Wildlife in Tallahassee about the problem, and one of the suggestions given to him was about the "Dye Pack Program." The program consists of placing a dye pack where a vessel is boarded. His recollection is that the City Commission had given the Administration direction to implement the program. There is a State Statute that does not allow sewage to be dumped into the ocean unless the vessel is a couple of miles off shore. He added that the Administration communicated to him that this program will be impractical and it will require an ordinance to implement, but it was never done. He asked if this would be a good idea for the Police Department and/or Marine Patrol to check on vessels that are moored for long periods of times to make sure they have the proper toilets and drop a dye pack into their sewage system. If the boaters dump illegally, the dye pack will leave a colored ring around the vessel for twenty-four hours. The resistance from the Police Department was that it will be impractical and it will be difficult to enforce.

Jimmy L. Morales, City Manager, stated that when this issue came up a couple of months ago, he reached out to the Police Department and the Office of the City Attorney and was told that this issue was discussed back in 2010. There was an ordinance presented and not voted on because the City Commission at the time decided not to go forward with the program.

Discussion held.

Aleksandr Boksner, First Assistant City Attorney, stated that the item was discussed at commission committee and in the Legal Department as far as the liability of the program. Ultimately, a memorandum was presented in 2010, which was presented to the City Commission; at that time, there was an informal discussion and direction was given that this is something that was not to be pursued.

Commissioner Tobin asked Mr. Boksner to forward the Memorandum to his Aide. **Office of the City Attorney to handle.**

Discussion continued.

Jimmy L. Morales, City Manager, stated that this Friday he will be meeting with the Police Department and Code to look at coming up with a comprehensive approach to resolve this problem with the anchored boats. **Deputy Police Chief Buhrmaster and Hernan Cardeno to handle.**

Aleksandr Boksner, First Assistant City Attorney, explained that based on their experience, this program will not result in catching the individuals dumping. The dye dissipates in approximately 15 minutes.

Discussion continued.

Jimmy Morales, City Manager, stated that they will update the research that was done four years ago.

5:12:21 p.m.

ADDENDUM MATERIAL 1:

R9L Discussion Regarding The July 1, 2014 Implementation Of Adopted Ordinance No. 2012-3768 That Mandates The Single-Stream Recycling Program For Multi-Family Residences As Well As Commercial Establishments.

(Requested by Commissioner Michael Grieco)

ACTION: Discussion held.

Commissioner Grieco explained that in 2012 the City Commission voted to require that all commercial establishments and all residential buildings with nine or more units must implement a Single-Stream Recycling Program to be in effect July 2013. The program will be implemented on July 1, 2014. Lynn Bernstein is doing a great job with the neighborhood associations reaching out and letting them know that this applies to all the condominium buildings, top Mom And Pop burger shops, restaurants, and that it will be enforced.

Betsy Wheaton, Environmental Resources Manager, explained the process and stated that there is a website where residents and businesses can learn and request workshops if needed. One of the items to be brought back to Commission is that all multi-family units will be required to have a single stream process. In addition, the ordinance will include commercial establishments.

5:15:34 p.m.

ADDENDUM MATERIAL 2:

R9M Discussion Regarding Permanent Closing Of Ocean Drive To Street Traffic.

(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held.

TO DO:

- May 28, 2014 – City Manager to report as to what is being done on Ocean Drive.
- June 11, 2014 - Bring recommendations for an RFP or an RFQ.

Commissioner Wolfson stated that they are working on several issues in order to improve Ocean Drive and they had discussed doing a Master Plan. He added that Ocean Drive is potentially a nicer place if they go from a cruising street to a pedestrian street, and make it similar to Española Way or Lincoln Road. He does not anticipate total support, but the business owners on Ocean Drive have not been regulated for the past few years, so as this is discussed, they need to decide what is best and give direction and is losing its prominence.

Commissioner Grieco offered an alternate proposal doubling the sidewalk on the west side to have a Lincoln Road style width to the sidewalk.

Mayor Levine stated that Ocean drive is a disaster, but we cannot sit here and solve those problems. We need to consider bringing a professional; we have a workshop and come back to see what is needed to get us there.

Discussion held.

Mayor Levine stated that what is needed is to give staff recommendation to hire a professional to tell us the best way to go about it.

Commissioner Wolfson stated that he put the item on the agenda to follow up because the City Commission had agreed to hire somebody. He asked the City Manager to come back on a future agenda with recommendation and an RFQ for a Master Planning Firm to review Ocean Drive and to include options. **City Manager's Office to handle.**

Commissioner Weithorn asked staff to let the City Commission know where we are on this because she took a ride with Katie G. Brooks, Assistant City Manager, and listed about a dozen critical issues that she know staff has been working on. She added that there are a great deal of logistics that need to be work out on the different options as to whether we make it one way, or close it, etc. **Thomas Mooney and Hernan Cardeno to handle.**

Jimmy L. Morales, City Manager, stated that he would present a report at the next City Commission of May 28, 2014 as to what is being done on Ocean Drive, and for the June 11, 2014 meeting come back with an RFP of RFQ.

David Wallack from Mangos Café spoke.

Discussion continued.

Sonia Navarro spoke.

Commissioner Tobin stated that we keep saying we are going to hire an expert for different issues with the City; he hopes this is done soon. We need to think about what vision we want for Ocean Drive. He thinks the street will die if you cut out the traffic because nobody will go there. He feels that clean bathrooms, and more police presence is the answer. Also have more green space and perhaps have secret shoppers for the restaurants. There is much that can be done once we have a clear vision of the area.

5:41:31 p.m.

ADDENDUM MATERIAL 2:

R9N Discussion Regarding Creating A Property Assessed Clean Energy (PACE) Program By Resolution And Joining The Existing Interlocal Agreement Between By Harbor Islands, Biscayne Park, And Surfside.

(Requested by Commissioner Jonah Wolfson)

ACTION: Item referred to the Finance and Citywide Projects Committee. Discussion held. Motion made by Commissioner Wolfson to refer to the Finance & Citywide Projects Committee; seconded by Commissioner Weithorn; Voice vote: 7-0. Patricia Walker to place on the committee agenda. **Debora Turner and Patricia Walker to handle.**

REFERRAL: Finance & Citywide Projects Committee

Commissioner Wolfson introduced the item. Commissioner Wolfson stated that he ran into Jordan Leonard at an event, and Mr. Leonard explained to the Commissioner that there is this program that allows for people and businesses, to use the equity in their property to make improvements that are energy saving – “green improvements” to the property. Therefore, Commissioner Wolfson put it on the agenda to see what it is all about and see how close Miami Beach is to being able to do this. Apparently, the government becomes a pass-through for the borrowing of money and it is paid off through a tax bill; that was the way it was explained to Commissioner Wolfson.

Elizabeth Wheaton, Environmental Resources Manager, explained that the PACE program allows commercial establishments or family homes to make upgrades to their property, through a third party service. This is done by entering into an inter-local agreement with a few other municipalities that provide the larger corridor projects. At this stage, they have developed a Coastal Corridor Network, which includes Surfside, Bay Harbor Islands and Biscayne Park; and Broward County is in the process of entering into that District. If this City were to move forward, we would enter into that Coastal Corridor District.

Commissioner Weithorn explained that we brought this to the Finance Committee 2 years ago, and it is her recollection that it was turned down by the Finance Committee. Commissioner Weithorn stated that she supported it at that time, and suggested that maybe it is time to look at it again.

Commissioner Wolfson asked of Commissioner Weithorn, what was the negative at the time? Commissioner Weithorn responded that it had to do with how the financing works. Part of the problem has been resolved as there was no group for the City to belong to at the time, and now there is a group in place.

Joe Jimenez, Assistant City Manager, stated that they would be happy to vet it and bring it to the Finance Committee.

Commissioner Wolfson stated to go ahead and vet, and the Commission will refer it to the Finance Committee to figure out what the rates are and we will compare them to what the going rates are.

Joe Jimenez, Assistant City Manager, suggested referring it to the Finance and Citywide projects Committee

Motion made by Commissioner Wolfson to refer the item to the Finance and Citywide Projects Committee; seconded by Commissioner Weithorn. Commissioner Wolfson stated that this

program is financing for green initiatives.

5:45:49 p.m.

ADDENDUM MATERIAL 3:

R9O Discussion Related To Towing And The Immobilization Of Vehicles.
(Requested by Mayor Philip Levine)

ACTION: Item deferred to the **June 11, 2014** City Commission Meeting by Mayor Levine. Lilia Cardillo to place on the Commission Agenda if received. **Saul Frances to handle.**

NEW REQUEST ITEM:

1:31:37 p.m.

R9P Motion To Request A Rehearing – HPB No. 7424
(Requested by Commissioner Malakoff)

ACTION: Motion made by Commissioner Malakoff to ask the City Manager for a rehearing of the Miami Beach Community Church item, heard at the Historic Preservation Board (HPB File No. 7424); seconded by Commissioner Tobin; Voice vote: 6-0; Absent: Commissioner Wolfson.

Commissioner Malakoff asked authorization from Mayor Levine in order to make a motion. Under the Appeals for HPB, the City Manager or designee has the right to petition for a rehearing. She is requesting the City Manager seek a rehearing on the matter concerning the Miami Beach Community Church, 1620 Drexel Avenue, on Lincoln Road. She requested the HPB to reconsider the item regarding what she believes to be an oversize development on that site.

Commissioner Tobin agreed with Commissioner Malakoff.

City Clerk's Note:

Refer to the May 28, 2014 Agenda Item R9G RE: Motion to Rescind Previous Motion Re: HPB File 7424 for Community Church.

R10 - City Attorney Reports

R10A City Attorney's Status Report.
(City Attorney Office)

ACTION: Report given.

Reports and Informational Items

1. Reports and Informational Items (see LTC 163-2014)
2. List of Projects Covered by the Cone of Silence Ordinance - LTC.
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.
(City Clerk's Office)

End of Regular Agenda

Meeting adjourned at 5:51:59 p.m.